

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 46.**  
**DOMESTIC RELATIONS.**

**CHAPTER 2.**  
**CHILD SUPPORT AND MEDICAL SUPPORT**  
**ENFORCEMENT.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 2. CHILD SUPPORT AND MEDICAL**  
**SUPPORT ENFORCEMENT.**

---

**TABLE OF CONTENTS**

---

**Subchapter I. Child Support Enforcement.**

---

- § 46-201. Definitions.
- § 46-202. Findings of Council.
- § 46-202.01. Collection and Disbursement Unit.
- § 46-203. Subrogation of District; notice to caretakers.
- § 46-204. Amendment of order establishing alimony, child support, or maintenance; award as money judgment.
- § 46-205. Contents of support order.
- § 46-205.01. Inclusion of social security numbers in support records.
- § 46-206. Service.
- § 46-207. Enforcement by withholding.
- § 46-207.01. Implementation of withholding.
- § 46-208. Withholding.
- § 46-209. Notice of withholding to the obligor.
- § 46-210. Objections to withholding.
- § 46-211. Notice to withhold to the holder.
- § 46-212. Holder's duty to withhold and make payments.
- § 46-213. Judgment against holder for failure to comply.
- § 46-214. Termination of withholding.
- § 46-215. Lapse of order of withholding.
- § 46-216. Termination of employment.
- § 46-217. Limitations and priorities.
- § 46-218. Voluntary income withholding.
- § 46-219. No discrimination in employment for withholding.
- § 46-220. Payments by employer where employee has no salary or salary inadequate for services rendered.
- § 46-221. Quashing withholding where judgment obtained to hinder just claims.
- § 46-222. Interstate withholding.
- § 46-223. Initiation of withholding in other jurisdictions.
- § 46-224. Enforcement of orders by means other than income withholding.
- § 46-224.01. Interception of lottery prizes for delinquent child support payments.
- § 46-224.02. Parent locator service.
- § 46-225. Reporting and publication of delinquent accounts.
- § 46-225.01. Sanctions.
- § 46-225.02. Criminal contempt remedy for failure to pay child support.
- § 46-226. Limitation of liability.
- § 46-226.01. Child support enforcement funding.
- § 46-226.02. Filing of identifying information by parties to paternity and support proceedings.
- § 46-226.03. Authority of IV-D agency to expedite paternity and support processes.

- § 46-226.04. Recognition and enforcement of authority of other state IV-D agencies.
- § 46-226.05. Access to locate systems.
- § 46-226.06. Directory of New Hires.
- § 46-226.07. Administrative enforcement in interstate cases.
- § 46-226.08. Fraudulent transfers.
- § 46-226.09. Court ordered work requirements.
- § 46-226.10. Automated procedures.
- § 46-226.11. Jurisdiction.
- § 46-227. Rulemaking authority.
- § 46-228. Choice of law.
- § 46-229. Rules of procedure.
- § 46-230. Public Information Program.
- § 46-231. Enforcement.

## **Subchapter II. Medical Support Enforcement.**

---

- § 46-251.01. Definitions.
- § 46-251.02. Use of medical support notice; IV-D agency.
- § 46-251.03. Medical support notice; contents; effect.
- § 46-251.04. Duties of the employer.
- § 46-251.05. Duties of the health insurer.
- § 46-251.06. Selection of a health insurance coverage option.
- § 46-251.07. Withholding for health insurance coverage.
- § 46-251.08. Priority of withholding for employee contributions to health insurance coverage.
- § 46-251.09. Liability for contributions to health insurance coverage; objections to withholding.
- § 46-251.10. Sanctions; limitations on liability.

# **CHAPTER 2. CHILD SUPPORT AND MEDICAL SUPPORT ENFORCEMENT.**

## **SUBCHAPTER I. CHILD SUPPORT ENFORCEMENT.**

### **§ 46-201. DEFINITIONS.**

For the purposes of this subchapter, the term:

- (1) "Business day" means a day on which District offices are open for regular business.
- (2) "Caretaker" means a parent, relative, guardian, or other person whose needs are included in a public assistance payment for a dependent child and who is using those payments for the benefit of the dependent child.
- (3) "Collection and Disbursement Unit" or "CDU" means the centralized unit operated by the IV-D agency for the collection and disbursement of support payments as required under section 454B of title IV, part D of the Social Security Act, approved August 22, 1996 (110 Stat. 2207; 42 U.S.C. § 654B).
- (4) "Court" means the Superior Court of the District of Columbia.
- (5) "Custodian" means the parent, relative, guardian, or other person with whom the dependent child resides.
- (6) "Dependent child" means any child whose support is required by § 16-916, or any child to whom a responsible relative owes a duty of support.
- (7) "Duty of support" means:
  - (A) Any duty of support imposed by statute or by common law;
  - (B) Any duty of support imposed by court order, decree, or judgment, whether interlocutory or final; and
  - (C) Any duty of reimbursement imposed by law for monies expended by the District for support, including public assistance and foster care.
- (8) "Earnings" means any remuneration based on employment, including wages, salaries, annuities, retirement benefits, unemployment compensation, and disability benefits.
- (9) "Entity" means a partnership, firm, association, corporation, sole proprietorship, company, organization, or other business, including a governmental or nonprofit organization.
- (10) "IV-D agency" means the Child Support Services Division of the Office of the Attorney General for the District of Columbia, or successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.
- (11) "Holder" means any person, firm, association, corporation, government official, or other entity that is believed to possess property of an obligor, including earnings or other income.
- (12) "Mayor" means the Mayor of the District of Columbia or the Mayor's designee.
- (13) "Notice to withhold" means a written notice informing a holder that an obligor's support order is enforceable by withholding and directing the holder to implement the withholding.
- (14) "Obligee" means a person or entity who is entitled to receive support pursuant to a support order.
- (15) "Obligor" means a person who is required to pay support pursuant to a support order.
- (16) "Order to withhold" means an order that requires a holder to turn over earnings or other income in a specified amount to a specified payee rather than to an individual to whom the earnings or other

income would otherwise be payable.

(17) "Other income" means any income available to an individual whether or not derived from remuneration based on employment.

(18) "Public assistance" means assistance granted under the District's Temporary Assistance for Needy Families Program or Program on Work, Employment, and Responsibility pursuant to Chapter 2 of Title 4.

(19) "Responsible relative" means a person obligated under law for the support of a dependent child.

(20) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.

(Feb. 24, 1987, D.C. Law 6-166, § 2, 33 DCR 6710; Apr. 20, 1999, D.C. Law 12-241, § 13, 46 DCR 905; Apr. 20, 1999, D.C. Law 12-264, § 28(b), 46 DCR 2118; Apr. 12, 2000, D.C. Law 13-91, § 146, 47 DCR 520; Apr. 3, 2001, D.C. Law 13-269, § 108(a), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(a), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(a), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-501.

##### *Effect of Amendments*

D.C. Law 13-91 in par. (13) validated a previously made technical amendment.

D.C. Law 13-269 designated former par. (1) as (1A); inserted a new par. (1); and inserted pars. (8A), (8B), (9A), (9B), (15A), and (15B).

D.C. Law 15-205 added par. (2A); and, in par. (8B), substituted "the Child Support Enforcement Division of the Office of the Attorney General for the District of Columbia," for "the organizational unit of the District government,".

D.C. Law 16-100 rewrote the section, which had read:

"For the purposes of this subchapter, the term:

"(1) 'Business day' means Monday through Friday, excluding District and federal holidays.

"(1A) 'Caretaker' means a parent, relative, guardian, or other person whose needs are included in a public assistance payment for a dependent child and who is using those payments for the benefit of the dependent child.

"(2) 'Child support' means any payment that a responsible relative is ordered to make because of a duty of support.

"(2A) 'Collection and Disbursement Unit' means the centralized unit operated by the IV-D agency for the collection and disbursement of support payments as required under section 454B of title IV, part D of the Social Security Act, approved August 22, 1996 (110 Stat. 2207; 42 U.S.C. § 654b).

"(3) 'Court' means the Superior Court of the District of Columbia.

"(4) 'Custodian' means the parent, relative, guardian, or other person with whom the dependent child resides.

"(5) 'Dependent child' means any child for whom the District is providing public assistance pursuant to subchapter 5 of Chapter 2 of Title 4 and whose support is required by § 16-916; or any child to whom an obligor owes a duty of support.

"(6) 'District' means the government of the District of Columbia.

"(7) 'Duty of support' means any duty of support imposed by statute or by common law; any duty of support imposed by order of the Court, decree, or judgment, whether interlocutory or final, or whether incidental to a proceeding for divorce, judicial separation, separate maintenance, or otherwise; any duty of reimbursement imposed by law for moneys expended by the District for support, including public assistance and foster care; or any duty of support imposed by any other section of this subchapter.

"(8) 'Earnings' means any remuneration based on employment including, but not limited to, wages, salaries, annuities, retirement benefits, unemployment compensation, and disability benefits.

"(8A) 'Entity' means a partnership, firm, association, corporation, sole proprietorship, company, organization, or other business, including a governmental and nonprofit organization.

"(8B) 'IV-D agency' means the Child Support Enforcement Division of the Office of the Attorney General for the District of Columbia, or successor organizational unit, that is responsible for administering or supervising the

administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

"(9) 'Holder' means any person, firm, association, corporation, or government official whom the Mayor believes has possession of property of a responsible relative, including, but not limited to, earnings or other income of the responsible relative.

"(9A) 'Immediate withholding' means withholding conducted pursuant to § 46- 207(a-1).

"(9B) 'Initiated withholding' means withholding conducted pursuant to § 46- 208(c).

"(10) 'Mayor' means the Mayor of the District of Columbia or the Mayor's designee.

"(11) 'Obligor' means any responsible relative or person ordered to pay pursuant to any order or decision listed in § 46-207.

"(12) 'Other income' means any income available to an individual whether or not derived from remuneration based on employment.

"(13) 'Public assistance' means assistance granted under the District's Temporary Assistance for Needy Families Program or Program on Work, Employment, and Responsibility pursuant to subchapter 5 of Chapter 2 of Title 4.

"(14) 'Recipient' means a dependent child and, if applicable, the caretaker for the child.

"(15) 'Responsible relative' means any person obligated under law for the support of a dependent child.

"(15A) 'Spousal support' means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child for whom the individual also owes support and that is enforced by the IV-D agency.

"(15B) 'Support order' means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.

"(16) 'Withholding order' means any legal or equitable order that requires a holder to turn over earnings or other income in a specified amount to a specified payee rather than to an individual to whom the earnings or other income would otherwise be payable."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(a) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 13 of Self-Sufficiency Promotion Temporary Amendment Act of 1998 (D.C. Law 12-230, April 20, 1999, law notification 46 DCR 4143).

For temporary (225 day) amendment of section, see § 107 of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(a) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(a) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) 'Business day' means a day on which District offices are open for regular business.

"(2) 'Caretaker' means a parent, relative, guardian, or other person whose needs are included in a public assistance payment for a dependent child and who is using those payments for the benefit of the dependent child.

"(3) 'Collection and Disbursement Unit' or 'CDU' means the centralized unit operated by the IV-D agency for the collection and disbursement of support payments as required under section 454B of title IV, part D of the Social Security Act, approved August 22, 1996 (110 Stat. 2207; 42 U.S.C. § 654B).

"(4) 'Court' means the Superior Court of the District of Columbia.

"(5) 'Custodian' means the parent, relative, guardian, or other person with whom the dependent child resides.

"(6) 'Dependent child' means any child whose support is required by D.C. Official Code § 16-916, or any child to whom a responsible relative owes a duty of support.

"(7) 'Duty of support' means:

(A) Any duty of support imposed by statute or by common law;

(B) Any duty of support imposed by court order, decree, or judgment, whether interlocutory or final; and

(C) Any duty of reimbursement imposed by law for monies expended by the District for support, including public assistance and foster care.

"(8) 'Earnings' means any remuneration based on employment, including, but not limited to, wages, salaries, annuities, retirement benefits, unemployment compensation, and disability benefits.

"(9) 'Entity' means a partnership, firm, association, corporation, sole proprietorship, company, organization, or other business, including a governmental or nonprofit organization.

"(10) 'IV-D agency' means the Child Support Services Division of the Office of the Attorney General for the District of Columbia, or successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

"(11) 'Holder' means any person, firm, association, corporation, government official, or other entity that is believed to possess property of an obligor, including earnings or other income.

"(12) 'Mayor' means the Mayor of the District of Columbia or the Mayor's designee.

"(13) 'Notice to withhold' means a written notice informing a holder that an obligor's support order is enforceable by withholding and directing the holder to implement the withholding.

"(14) 'Obligee' means a person or entity who is entitled to receive support pursuant to a support order.

"(15) 'Obligor' means a person who is required to pay support pursuant to a support order.

"(16) 'Order to withhold' means an order that requires a holder to turn over earnings or other income in a specified amount to a specified payee rather than to an individual to whom the earnings or other income would otherwise be payable.

"(17) 'Other income' means any income available to an individual, whether or not derived from remuneration based on employment.

"(18) 'Public assistance' means assistance granted under the District's Temporary Assistance for Needy Families Program or Program on Work, Employment, and Responsibility pursuant to the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*).

"(19) 'Responsible relative' means a person obligated under law for the support of a dependent child.

"(20) 'Support order' means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(a) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary (90-day) addition of section, see § 107(a) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(a) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(a) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(a) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(a) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(a) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(a) of Fiscal Year 2005 Budget Support

Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(a) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(a) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

Law 6-166, "District of Columbia Child Support Enforcement Amendment Act of 1985," was introduced in Council and assigned Bill No. 6-134, which was referred to the Committee on Human Services and reassigned to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 8, 1986, and September 23, 1986, respectively. Signed by the Mayor on October 9, 1986, it was assigned Act No. 6-212 and transmitted to both Houses of Congress for its review.

Law 12-241, the "Self-Sufficiency Promotion Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-558, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-573 and transmitted to both Houses of Congress for its review. D.C. Law 12-241 became effective on April 20, 1999.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

Law 13-269, the "Child Support and Welfare Reform Compliance Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-254, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on January 8, 2001, it was assigned Act No. 13-559 and transmitted to both Houses of Congress for its review. D.C. Law 13-269 became effective on April 3, 2001.

Law 15-205, the "Fiscal Year 2005 Budget Support Act of 2004", was introduced in Council and assigned Bill No. 15-768, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 2004, and June 29, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-487 and transmitted to both Houses of Congress for its review. D.C. Law 15-205 became effective on December 7, 2004.

Law 16-100, the "Income Withholding Transfer and Revision Amendment Act of 2005", was introduced in Council and assigned Bill No. 16-319 which was referred to the committee on Judiciary. The Bill was adopted on first and second readings on January 4, 2006, and February 7, 2006, respectively. Signed by the Mayor on February 27, 2006, it was assigned Act No. 16-302 and transmitted to both Houses of Congress for its review. D.C. Law 16-100 became effective on May 12, 2006.

## **§ 46-202. FINDINGS OF COUNCIL.**

The Council of the District of Columbia finds that:

- (1) Dependent children shall be maintained, as completely as possible, from the resources of their parents, thereby relieving or avoiding, at least in part, the burden borne by the citizens of the District for public welfare programs.
- (2) The existing remedies pertaining to the support of dependent children are to be augmented by the additional remedies mandated or recommended in the Child Support Enforcement Amendments of 1984 (42 U.S.C. § 651 et seq.).
- (3) Enactment of this legislation will maximize the potential for children to receive timely, regular, and adequate support from their parents, safeguard the basic rights of all parties, and utilize the resources of the District in the most efficient manner.

(Feb. 24, 1987, D.C. Law 6-166, § 3, 33 DCR 6710.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*



## **§ 46-202.01. COLLECTION AND DISBURSEMENT UNIT.**

(a) The IV-D agency is established as the centralized Collection and Disbursement Unit for the collection and disbursement of support payments and shall operate the CDU either directly or through a contract or cooperative agreement with another entity.

(b) The Collection and Disbursement Unit shall collect and disburse support payments under the following support orders, and obligors and holders required to pay support pursuant to these orders shall submit payments to the CDU for disbursement to the obligee:

(1) All support orders enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*);

(2) All support orders not enforced by the IV-D agency where the support order was initially issued in the District on or after January 1, 1994, and for which withholding of the obligor's earnings or other income has commenced; and

(3) All other support orders for which the Court has ordered that payments be made through the Collection and Disbursement Unit, or for which withholding of the obligor's earnings or other income has commenced.

(c) The IV-D agency shall operate the Collection and Disbursement Unit in coordination with the automated system the IV-D agency maintains pursuant to § 46-226.10.

(d)(1) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology, to the maximum extent that is feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

(A) For receipt of payments from obligors, holders, and other states, and for disbursements to obligees, the IV-D agency, and the IV-D agencies of other states;

(B) For accurate identification of payments;

(C) To ensure prompt disbursement of each obligee's share of any payment; and

(D) To furnish to any obligor or obligee, upon request, timely information on the current status of support payments required to be made through the Collection and Disbursement Unit pursuant to subsection (b) of this section.

(2) The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made before August 22, 1996, for support orders subject to withholding that are not enforced by the IV-D agency.

(e) The Collection and Disbursement Unit shall disburse all amounts payable within 2 business days after receipt from the employer or other holder if sufficient information identifying the payee is provided. The Collection and Disbursement Unit may delay the disbursement of collections toward arrearages until any appeal with respect to such arrearages has been resolved.

(Feb. 24, 1987, D.C. Law 6-166, § 3a, as added Apr. 3, 2001, D.C. Law 13-269, § 108(b), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(b), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(b), 53 DCR 1886; Mar. 2, 2007, D.C. Law 16-191, § 71, 53 DCR 6794.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 15-205 rewrote the section which had read as follows:

"§ 46-202.01. Centralized Collection and Disbursement Unit.

"(a) The Superior Court is established as the centralized Collection and Disbursement Unit for the collection and disbursement of support payments and shall operate this unit either directly or through a contract or cooperative agreement with another entity.

"(b) The Collection and Disbursement Unit shall collect and disburse support payments under support orders in all cases enforced by the IV-D program and all other cases in which the support order was initially issued in the District on or after January 1, 1994, and in which the income of the noncustodial parent has been subject to withholding. Unit operations involving cases enforced by the IV-D program will be conducted in coordination with the automated system maintained by the IV-D agency.

"(c) The Collection and Disbursement Unit shall be the instrumentality for withholding earnings and other income under this subchapter.

"(d) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

"(1) For receipt of payments from parents, employers, and other states and for disbursements to custodial parents and other obligees, the IV-D agency, and the agencies of other states;

"(2) For accurate identification of payments;

"(3) To ensure prompt disbursement of the custodial parent's share of any payment; and

"(4) To furnish to any parent, upon request, timely information on the current status of support payments under an order requiring payments to be made by or to the parent. The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made prior to August 22, 1996, in cases subject to wage withholding that are enforced pursuant to the IV-D program.

"(e) The Collection and Distribution Unit shall distribute all amounts payable within 2 business days after receipt from the employer or other holder, if sufficient information identifying the payee is provided. The Collection and Distribution Unit may delay the distribution of collections toward arrearages until any appeal with respect to such arrearages has been resolved.

"(f) The Collection and Distribution Unit shall use the automated system maintained by the IV-D agency to the maximum extent feasible to assist and facilitate the collection and disbursement of support payments, including, at a minimum:

"(1) Transmission of orders and notices to employers and other debtors for the withholding of income as follows:

"(A) Within 2 business days after receipt of notice of such withholding (including identification of the income source subject to withholding) from a court, a state, an employer, the Federal Parent Locator Service, or another source recognized by the District; and

"(B) Using uniform formats prescribed by federal regulation or policy;

"(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

"(3) Automatic use of enforcement procedures if payments are not timely made."

D.C. Law 16-100 rewrote the section, which had read:

"(a)(1) The IV-D agency is established as the centralized Collection and Disbursement Unit for the collection and disbursement of support payments and shall operate this unit either directly or through a contract or cooperative agreement with another entity.

"(2) The Court shall continue to operate the Collection and Disbursement Unit, pursuant to a memorandum of understanding or other cooperative agreement with the IV-D agency, until the IV-D agency has arranged with a private contractor to operate the Collection and Disbursement Unit or has made other arrangements for its operation, and until the transfer of all collection and disbursement functions to another entity is complete.

"(b) The Collection and Disbursement Unit shall collect and disburse support payments under support orders in the following cases:

"(1) All cases enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S. C. § 651 *et seq.*);

"(2) All cases not enforced by the IV-D agency in which the support order was initially issued in the District on or after January 1, 1994, and in which withholding of the obligor's earnings or other income has commenced; and

"(3) All other cases in which the court has ordered that payments be made through the Collection and Disbursement Unit, or in which withholding of the non-custodial parent's income or other earnings has commenced.

"(c) The Court shall be the instrumentality for withholding earnings or other income under this subchapter.

"(d) The Collection and Disbursement Unit shall conduct its operations in coordination with the automated system the IV-D agency maintains pursuant to § 42-226.10.

"(e)(1) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology, to the maximum extent that is feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

"(A) For receipt of payments from parents, holders, and other states, and for disbursements to custodial parents and other obligees, the IV-D agency, and the agencies of other states;

"(B) For accurate identification of payments;

"(C) To ensure prompt disbursement of the custodial parent's share of any payment; and

"(D) To furnish to any parent, upon request, timely information on the current status of support payments required to be made by or to the parent through the Collection and Disbursement Unit pursuant to subsection (b) of this section.

"(2) The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made before August 22, 1996, in cases subject to wage withholding not enforced by the

IV-D agency.

"(f) The Collection and Disbursement Unit shall distribute all amounts payable within 2 business days after receipt from the employer or other holder if sufficient information identifying the payee is provided. The Collection and Disbursement Unit may delay the distribution of collections toward arrearages until any appeal with respect to such arrearages has been resolved.

"(g) The IV-D agency and the Court, as applicable, shall use the automated system the IV-D agency maintains pursuant to § 42-226.10, to the maximum extent that is feasible, to assist and facilitate the collection and disbursement of support payments, including:

"(1) Transmission of orders and notices to employers and other holders for the withholding of income:

"(A) Within 2 business days after receipt of notice of the withholding (including identification of the income source subject to withholding) from a court, a state, a holder, the Federal Parent Locator Service, or another source recognized by the District; and

"(B) Using uniform formats prescribed by federal regulation or policy;

"(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

"(3) Automatic use of enforcement procedures if payments are not timely made."

D.C. Law 16-191, in subsec. (d), validated a previously made technical correction.

*Temporary Amendments of Section*

Section 3(b) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 3a. Collection and Disbursement Unit.

"(a) The IV-D agency is established as the centralized Collection and Disbursement Unit for the collection and disbursement of support payments and shall operate the CDU either directly or through a contract or cooperative agreement with another entity.

"(b) The Collection and Disbursement Unit shall collect and disburse support payments under the following support orders, and obligors and holders required to pay support pursuant to these orders shall submit payments to the CDU for disbursement to the obligee:

"(1) All support orders enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*);

"(2) All support orders not enforced by the IV-D agency where the support order was initially issued in the District on or after January 1, 1994, and for which withholding of the obligor's earnings or other income has commenced; and

"(3) All other support orders for which the Court has ordered that payments be made through the Collection and Disbursement Unit, or for which withholding of the obligor's earnings or other income has commenced.

"(c) The IV-D agency shall operate the Collection and Disbursement Unit in coordination with the automated system the IV-D agency maintains pursuant to section 27j.

"(d)(1) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology, to the maximum extent that is feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

"(A) For receipt of payments from obligors, holders, and other states, and for disbursements to obligees, the IV-D agency, and the IV-D agencies of other states;

"(B) For accurate identification of payments;

"(C) To ensure prompt disbursement of each obligee's share of any payment; and

"(D) To furnish to any obligor or obligee, upon request, timely information on the current status of support payments required to be made through the Collection and Disbursement Unit pursuant to subsection (b) of this section.

"(2) The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made before August 22, 1996, for support orders subject to withholding that are not enforced by the IV-D agency.

"(e) The Collection and Disbursement Unit shall disburse all amounts payable within 2 business days after receipt from the employer or other holder if sufficient information identifying the payee is provided. The Collection and Disbursement Unit may delay the disbursement of collections toward arrearages until any appeal with respect to such arrearages has been resolved."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR ).

For temporary (225 day) addition of section, see § 107(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

#### *Emergency Act Amendments*

For temporary addition of § 30-502.1 [1981 Ed.], see § 7(b) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(b) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(b) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of § 30-502.1 [1981 Ed.], see § 107(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) authorization of a centralized support payment collection and distribution unit, see § 107(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of § 30-502.1 [1981 Ed.], see § 107(b) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of § 30-502.1 [1981 Ed.], see § 107(b) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) authorization of a centralized support payment collection and distribution unit, see § 107(b) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(b) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(b) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(b) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(b) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(b) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

### **§ 46-203. SUBROGATION OF DISTRICT; NOTICE TO CARETAKERS.**

(a) The District shall be subrogated to the right of the caretaker to prosecute or maintain any support action. If a Court orders support to be paid by a responsible relative, the District shall be subrogated to the right of the caretaker to receive past, present, and future payments under an order or decree, and any money judgment entered under an order or decree shall be considered to be in favor of the District.

(b) The Mayor shall inform any individual who is a caretaker on February 24, 1987, of the provisions of this subchapter within 120 days after February 24, 1987. Any individual who becomes a caretaker after February 24, 1987, shall be informed of the provisions of this subchapter when the individual becomes a caretaker.

(Feb. 24, 1987, D.C. Law 6-166, § 4, 33 DCR 6710.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-503.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

##### *Delegation of Authority*

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

### **§ 46-204. AMENDMENT OF ORDER ESTABLISHING ALIMONY, CHILD SUPPORT, OR MAINTENANCE; AWARD AS MONEY JUDGMENT.**

(a) Any order requiring payment of an amount of child support, regardless of whether the amount of the child support was the subject of a voluntary agreement of the parties, may be modified upon a showing that there has been a substantial and material change in the needs of the child or the ability of the responsible relative to pay since the day on which the order was issued. A showing or proof of a change in circumstances shall not be required to modify a support order that is being reviewed or modified pursuant to § 16-916.01(r)(3) or (r)(4).

(b) An award of alimony, child support, or maintenance is a money judgment that becomes absolute, vested, and upon which execution may be taken, when it becomes due.

(c) No modification of an award of alimony, child support, or maintenance may be retroactive, except that a modification may be permitted for the period during which a petition for modification is pending. The modification may then be permitted from the date on which the opposing party was given notice of the petition for modification according to statute or court rule.

(d)(1) A petition for modification of a child support order filed pursuant to § 23-112a may be adjudicated after the petitioner has been released from imprisonment.

(2) A petition for modification of a child support order filed pursuant to § 23-112a(b) shall be deemed filed as of the date the petition is filed in open court during sentencing at a criminal proceeding.

(3) Incarceration for contempt for failure to pay child support pursuant to § 46-225.02 shall not constitute a change in circumstances sufficient to warrant a modification of support under subsection (a) of this section.

(Feb. 24, 1987, D.C. Law 6-166, § 5, 33 DCR 6710; Dec. 10, 1987, D.C. Law 7-47, § 2, 34 DCR 6849; Apr. 3, 2001, D.C. Law 13-269, § 108(c), 48 DCR 1270; Mar. 30, 2004, D.C. Law 15-130, § 203(a), 51 DCR 1615; May 24, 2005, D.C. Law 15-357, § 103, 52 DCR 1999; June 22, 2006, D.C. Law 16-138, § 3, 53 DCR 3650.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-504.

##### *Effect of Amendments*

D.C. Law 13-269 added the last sentence to subsec. (a).

D.C. Law 15-130, in the last sentence of subsec. (a), substituted "reviewed or modified pursuant to § 16-916.01(o)(2) or (o)(2A)" for "reviewed pursuant to § 16-916.1(o)(2)".

D.C. Law 15-357 added subsec. (d).

D.C. Law 16-138, in subsec. (a), substituted "§ 16-916.01(r)(3) or (r)(4)" for "§ 16-916.01(o)(2) or (o)(2A)"; and added par. (d)(3).

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(c) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(c) of Child Support and Welfare Reform

Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(c) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

For temporary (225 day) amendment of section, see § 203(a) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14- 238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) amendment of section, see § 203(a) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

Section 3(c) of D.C. Law 16-42 added subsec. (d)(3) to read as follows:

"(3) Incarceration for contempt for failure to pay child support pursuant to section 26b shall not constitute a change in circumstances sufficient to warrant a modification of support under subsection (a) of this section."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(b) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 7(c) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 7(c) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(c) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(c) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(c) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(c) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(c) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(c) and (d) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(c) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 203(a) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14- 485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) amendment of section, see § 203(a) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) amendment of section, see § 203(a) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15- 208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) amendment of section, see § 203(a) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

For temporary (90 day) amendment of section, see § 3(c) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(c) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

Law 7-47 was introduced in Council and assigned Bill No. 7-92, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 14, 1987, and September 29, 1987, respectively. Signed by the Mayor on October 16, 1987, it was assigned Act No. 7-80 and transmitted to both Houses of Congress for its review.

For D.C. Law 13-269, see notes following § 46-201.

Law 15-130, the "Medical Support Establishment and Enforcement Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-219, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 2, 2003, and January 6, 2004, respectively. Signed by the Mayor on January 28, 2004, it was assigned Act No. 15-331 and transmitted to both Houses of Congress for its review. D.C. Law 15-130 became effective on March 30, 2004.

Law 15-357, the "Omnibus Public Safety Ex-offender Self-sufficiency Reform Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-785, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on November 9, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-744 and transmitted to both Houses of Congress for its review. D.C. Law 15-357 became effective on May 24, 2005.

For Law 16-138, see notes following § 16-916.01.

#### *Effective Dates*

Applicability: Section 4 of D.C. Law 16-138 provides: "This act shall apply as of April 1, 2007."

## **§ 46-205. CONTENTS OF SUPPORT ORDER.**

All support orders, whether they are original orders or modifications of existing orders, shall contain the following:

- (1) A provision requiring the withholding of support payments from the obligor's earnings or other income in accordance with this subchapter;
- (2) Notice that the support order shall be enforceable by withholding as specified in §§ 46-207 and 46-207.01;
- (3) Notice that payments required by a support order specified in § 46-202.01(b) shall be made through the Collection and Disbursement Unit and any other payments shall be considered a gift and shall not offset the duty of support;
- (4) A provision that directs the parties to file and update the information specified in § 46-226.02 with the IV-D agency and the Court in accordance with that section;
- (5) Terms providing for the payment of the child's medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency and the Court of the following:
  - (A) Any change in either the obligor's or the obligee's access to health insurance coverage for the child or the reasonableness of the costs of coverage; and
  - (B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access;
- (6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor's employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor's earnings in accordance with §§ 1-307.41, 1-307.42, and subchapter II of this chapter;
- (7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit reporting agency if the obligor owes overdue support in the amount of \$1,000 or more;
- (8) The name, address, and telephone number of the obligor's current employer; and
- (9) Notice that an order to withhold may be changed upon a motion by a party or the IV-D agency for a reapportionment of periodic arrears payments pursuant to § 46-208(c).

(Feb. 24, 1987, D.C. Law 6-166, § 6, 33 DCR 6710; July 25, 1990, D.C. Law 8-150, § 4(a), 37 DCR 3720; Mar. 16, 1995, D.C. Law 10-217, § 2(a), 41 DCR 8040; Apr. 18, 1996, D.C. Law 11-110, § 32, 43 DCR 530; Apr. 9, 1997, D.C. Law 11-170, § 2(a), 43 DCR 4480; Apr. 3, 2001, D.C. Law 13-269, § 108(d), 48 DCR 1270; Mar. 30, 2004, D.C. Law 15-130, § 203(b), 51 DCR 1615; Dec. 7, 2004, D.C. Law 15-205, § 3403(c), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(c), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

*Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"All Court orders or decrees directing the payment of child or spousal and child support, whether they are original orders or modifications of existing orders, shall contain the following information in addition to the notice required by § 46-206:

"(1) For an original support order or modification of a support order that is effective on or after January 1, 1994, notice that support payments shall be withheld from earnings or other income immediately, unless the Court finds there is good cause not to impose immediate withholding or the parties agree in writing to an alternative method of payment;

"(1A) In the case of a support order that is issued or modified on or after November 1, 1990, a finding of good cause not to require immediate withholding shall be based on at least:

"(A) A written explanation by the court of why immediate wage withholding would not be in the best interest of the child; and

"(B) If the modification of a support order is at issue, a written explanation that there is proof of timely payment of previously ordered support obligations;

"(2) Notice that if withholding commences, all payments shall be made through the Court registry and any other payments shall be considered a gift and shall not offset the duty of support ordered by the Court; and

"(3) A provision that directs the absent parent to keep the IV-D Program informed of the absent parent's current employer, and whether the parent has access to health coverage at a reasonable cost and, if so, the health policy information."

D.C. Law 15-130 rewrote par. (5) which had read:

"(5) Notice that if the obligor provides health insurance coverage for the child and changes to another employer that provides health care coverage, the IV-D agency or the Collection and Disbursement Unit will notify the new employer of the health insurance coverage provision in the support order, and that receipt of the notice by the employer shall operate to enroll the child in the obligor's health plan with his new employer, unless the obligor contests the notice in accordance with rules adopted by the Mayor or the Superior Court, as appropriate; and"

D.C. Law 15-205, in pars. (3) and (4), substituted "Court" for "Collection and Disbursement Unit"; in par. (5), validated a previously made technical correction; and rewrote par. (6) which had read as follows:

"(6) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit reporting agency if the obligor's support obligations are over 30 days past due."

D.C. Law 16-100 rewrote the section, which had read:

"All support orders, whether they are original orders or modifications of existing orders, shall contain the following information in addition to the notice required by § 46-206:

"(1) For an original support order or modification of a support order that is effective on or after January 1, 1994, notice that support payments shall be withheld from earnings or other income immediately, unless the Court finds there is good cause not to impose immediate withholding or the parties agree in writing to an alternative method of payment;

"(1A) In the case of a support order that is issued or modified on or after November 1, 1990, notice that a finding of good cause not to require immediate withholding shall be based on at least:

"(A) A written explanation by the court of why immediate wage withholding would not be in the best interest of the child; and

"(B) If the modification of a support order is at issue, a written explanation that there is proof of timely payment of previously ordered support obligations;

"(2) Notice that if withholding commences, all payments shall be made through the Collection and Disbursement Unit and any other payments shall be considered a gift and shall not offset the duty of support ordered by the Court;

"(3) A provision that directs the parties to file and update with the IV-D agency and with the Court the information required by § 46-226.02;

"(4) Terms providing for the payment of the child's medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency and the Court of the following:

"(A) Any change in either the obligor's or the obligee's access to health insurance coverage for the child or the reasonableness of the costs of coverage; and

"(B) All health insurance policy information necessary to enroll the child in the health insurance to which the



obligor or obligee has access;

"(5) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor's employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor's earnings in accordance with §§ 1-307.41, 1-307.42, and subchapter II of this chapter.

"(6) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit reporting agency if the obligor owes overdue support in the amount of \$1000 or more. "

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(a) of Child Support Enforcement Temporary Amendment Act of 1994 (D.C. Law 10-210, March 14, 1995, law notification 42 DCR 1526).

For temporary (225 day) amendment of section, see § 2(a) of Child Support Enforcement Temporary Amendment Act of 1995 (D.C. Law 11-47, September 20, 1995, law notification 42 DCR 5506).

For temporary (225 day) amendment of section, see § 2(a) of Child Support Enforcement Temporary Amendment Act of 1996 (D.C. Law 11-148, May 20, 1996, law notification 43 DCR 4353).

For temporary (225 day) amendment of section, see § 7(b) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(d) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(d) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

For temporary (225 day) amendment of section, see § 203(b) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) amendment of section, see § 203(b) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

Section 3(d) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 6. Contents of support order.

"All support orders, whether they are original orders or modifications of existing orders, shall contain the following:

"(1) A provision requiring the withholding of support payments from the obligor's earnings or other income in accordance with this act;

"(2) Notice that the support order shall be enforceable by withholding as specified in sections 8 and 8a;

"(3) Notice that payments required by a support order specified in section 3a(b) shall be made through the Collection and Disbursement Unit and any other payments shall be considered a gift and shall not offset the duty of support;

"(4) A provision that directs the parties to file and update the information specified in section 27b with the IV-D agency and the Court in accordance with that section;

"(5) Terms providing for the payment of the child's medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency and the Court of the following:

"(A) Any change in either the obligor's or the obligee's access to health insurance coverage for the child or the reasonableness of the costs of coverage; and

"(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access;

"(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor's employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor's earnings in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41, 1-307.42), and the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15- 130; D.C. Official Code § 46-251.01 *et seq.*);

"(7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit

reporting agency if the obligor owes overdue support in the amount of \$1,000 or more;

"(8) The name, address, and telephone number of the obligor's current employer; and

"(9) Notice that an order to withhold may be changed upon a motion by a party or the IV-D agency for a reapportionment of periodic arrears payments pursuant to section 9(c)."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 2(a) of the Child Support Enforcement Emergency Amendment Act of 1996 (D.C. Act 11-250, April 15, 1996, 43 DCR 2131), § 2(a) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-304, July 31, 1996, 43 DCR 4474), and § 2(a) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-31, March 11, 1997, 44 DCR 1904).

For temporary amendment of section, see § 7(c) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of § 30-505.1 [1981 Ed.], see § 7(d) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 7(d) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(d) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110), § 7(d) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(d) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary addition of § 30-505.1 [1981 Ed.] see § 7(e) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(e) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(e) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(e) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(d) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) authorization of inclusion of social security numbers in records, see § 107(e) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(d) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) authorization of inclusion of social security numbers in records, see § 107(e) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(d) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) authorization of inclusion of social security numbers in records, see § 107(e) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 108(d) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 203(b) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) amendment of section, see § 203(b) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) amendment of section, see § 203(b) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) amendment of section, see § 203(b) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

For temporary (90 day) amendment of section, see § 3403(c) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(c) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(d) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(d) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For legislative history of D.C. Law 8-150, see Historical and Statutory Notes following § 46-224.01.

Law 10-217, the "Child Support Enforcement Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-740, which was referred to the Committee on the Judiciary with comments from the Committee on Human Services. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-354 and transmitted to both Houses of Congress for its review. D.C. Law 10-217 became effective on March 16, 1995.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Law 11-170, the "Child Support Enforcement Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-288, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 4, 1996, and July 6, 1996, respectively. Signed by the Mayor on July 19, 1996, it was assigned Act No. 11-317 and transmitted to both Houses of Congress for its review. D.C. Law 11-170 became effective on April 9, 1997.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-130, see notes following § 46-204.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

## **§ 46-205.01. INCLUSION OF SOCIAL SECURITY NUMBERS IN SUPPORT RECORDS.**

The social security number of each individual who is party to a support order shall be included in the Court and IV-D agency records relating to the order.

(Feb. 24, 1987, D.C. Law 6-166, § 6a, as added Apr. 3, 2001, D.C. Law 13-269, § 108(e), 48 DCR 1270; May 12, 2006, D.C. Law 16-100, § 3(d), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 16-100, in the section heading, deleted "child and spousal" preceding "support"; and deleted "Superior" preceding "Court".

##### *Temporary Amendments of Section*

Section 3(e) of D.C. Law 16-42, deleted "child and spousal" from the section heading; and deleted "Superior".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(e) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(e) of Child Support and Welfare Reform Compliance

Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(e) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

#### *Emergency Act Amendments*

For temporary addition of § 30-505.1 [1981 Ed.], see § 7(d) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of § 30-505.1 [1981 Ed.] see § 7(e) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(e) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(e) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(e) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) authorization of inclusion of social security numbers in records, see § 107(e) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) authorization of inclusion of social security numbers in records, see § 107(e) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) authorization of inclusion of social security numbers in records, see § 107(e) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(e) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(e) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3(e) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(e) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

For Law 16-100, see notes following § 46-201.

## **§ 46-206. SERVICE.**

(a) In any case brought in Court under § 11-1101(a)(1), (3), (10), or (11) involving the establishment of support, the Clerk of the Court shall issue notice to the alleged responsible relative stating that a hearing to determine the matter of support has been scheduled. This hearing shall be scheduled within 45 days after the date the application is filed.

(b) Personal service of the notice may be made in the following manner:

(1) By delivering a copy of the notice to:

(A) The responsible relative;

(B) A person of suitable age and discretion who resides at the alleged responsible relative's dwelling house or usual place of abode; or

(C) A person of suitable age and discretion at the alleged responsible relative's place of employment; or

(2) By mailing the notice to the alleged responsible relative by certified mail, return receipt requested, and also by separate first-class mail. A certified mail notice of the complaint shall be sufficient, although unclaimed or refused by the respondent, when the first-class mail notice is not returned. Service by certified mail that is unclaimed or refused and first-class mail alone shall not be a sufficient basis to permit the entry of a default order of paternity in a case where the respondent fails to file an answer or otherwise fails to respond appropriately. Delivery may be made by a competent adult with

no interest in the proceedings.

(c) The notice shall include the following:

- (1) The name of the person for whom support is being claimed;
- (2) A demand that the alleged responsible relative attend a hearing and the date, time, and place of the hearing;
- (3) An explanation of the possible consequences of the alleged responsible relative's failure to attend the scheduled hearing;
- (4) A demand that the alleged responsible relative bring to the hearing any record in the relative's possession of earnings received in the past 2 years, including receipts for earnings provided by an employer, or any wage and tax statements prepared by an employer setting forth earnings for tax purposes;
- (5) A demand that the alleged responsible relative bring to the hearing documentation of the cost, comprehensiveness, and accessibility of any health insurance available to the responsible relative for the child;
- (6) Notice that the alleged responsible relative may be represented by counsel at any stage of the proceedings;
- (7) An explanation that a request for a continuance may result in the setting of interim support or the posting of collateral; and
- (8) A copy of the complaint or petition.

(d) The custodian shall be given a notice containing the provisions outlined in subsection (c) of this section.

(e) Where a party is seeking a modification of a support order:

- (1) The Clerk of the Court shall issue notice to the opposing party:
  - (A) Stating that a hearing to determine the matter of support has been scheduled;
  - (B) Containing the information stated in subsection (c) of this section; and
  - (C) Including a copy of the motion for modification;
- (2) The hearing shall be scheduled within 45 days after the date the application is filed; and
- (3) Personal service on the opposing party may be made in accordance with subsection (b) or (f) of this section.

(f) In any support enforcement action following entry of a support order, upon showing that a diligent effort, which includes more than a search of IV-D agency and Court records, has been made to ascertain the location of a party, the Court shall accept as adequate service on the party delivery by first-class mail of any pleading or notice to the most recent residential or employer address filed by the party with the IV-D agency or the Court pursuant to § 42- 226.02.

(Feb. 24, 1987, D.C. Law 6-166, § 7, 33 DCR 6710; Aug. 17, 1991, D.C. Law 9-39, § 4(a), 38 DCR 4970; Apr. 3, 2001, D.C. Law 13-269, § 108(f), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(d), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(e), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-506.

##### *Effect of Amendments*

D.C. Law 13-269 substituted "existing support order" for "existing child support order" in subsec. (a); added "or" at the end of subsec. (b)(1)(B); and inserted subsec. (b-1).

D.C. Law 15-205 rewrote subsec. (b-1) which had read as follows:

"(b-1) In any support enforcement action following entry of a support order, upon showing that a diligent effort, which includes more than a search of IV-D agency and Collection and Disbursement Unit records, has been made to ascertain the location of a party, the Superior Court shall accept as adequate service on the party delivery by first-class mail of any pleading or notice to the most recent residential or employer address filed by the party with the IV-D agency or the Collection and Disbursement Unit pursuant to § 46-226.02."

D.C. Law 16-100, redesignated subsec. (b-1) as (f); added subsec. (e); and rewrote subssecs. (a) and (c), which had read as follows:

"(a) In any case brought in Court under § 11-1101(1), (3), (10), or (11), involving the establishment of child support or in any case seeking to modify an existing support order, notice shall be issued to the alleged responsible relative by the Clerk of the Family Division of the Court stating that a hearing to determine the

matter of child support has been scheduled. This hearing shall be scheduled within 45 days from the date the application is filed by the Clerk."

"(c) The notice shall include the following information:

"(1) The name of the person for whom support is being claimed;

"(2) A demand that the alleged responsible relative attend a hearing and the date, time, and place of the hearing;

"(3) An explanation of the possible consequences of the alleged responsible relative's failure to attend the scheduled hearing;

"(4) The demand that the alleged responsible relative bring to the hearing any record in the relative's possession of earnings received in the past 2 years, including receipts for earnings provided by an employer, or any wage and tax statements prepared by an employer setting forth earnings for tax purposes;

"(5) Notice that the alleged responsible relative may be represented by counsel at any stage of the proceedings; and

"(6) An explanation that a request for a continuance may result in the setting of interim support or the posting of collateral."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(f) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(f) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(f) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(f) of D.C. Law 16-42, re-designated subsec. (b-1) as subsec. (f); and rewrote subsecs. (a) and (c), and added subsec. (e) to read as follows:

"(a) In any case brought in Court under D.C. Official Code § 11-1101(a)(1), (3), (10), or (11) involving the establishment of support, the Clerk of the Court shall issue notice to the alleged responsible relative stating that a hearing to determine the matter of support has been scheduled. This hearing shall be scheduled within 45 days after the date the application is filed."

"(c) The notice shall include the following:

"(1) The name of the person for whom support is being claimed;

"(2) A demand that the alleged responsible relative attend a hearing and the date, time, and place of the hearing;

"(3) An explanation of the possible consequences of the alleged responsible relative's failure to attend the scheduled hearing;

"(4) A demand that the alleged responsible relative bring to the hearing any record in the relative's possession of earnings received in the past 2 years, including receipts for earnings provided by an employer, or any wage and tax statements prepared by an employer setting forth earnings for tax purposes;

"(5) Notice that the alleged responsible relative may be represented by counsel at any stage of the proceedings;

"(6) An explanation that a request for a continuance may result in the setting of interim support or the posting of collateral; and

"(7) A copy of the complaint or petition."

"(e) Where a party is seeking a modification of a support order:

"(1) The Clerk of the Court shall issue notice to the opposing party:

"(A) Stating that a hearing to determine the matter of support has been scheduled;

"(B) Containing the information stated in subsection (c) of this section; and

"(C) Including a copy of the motion for modification;

"(2) The hearing shall be scheduled within 45 days after the date the application is filed; and

"(3) Personal service on the opposing party may be made in accordance with subsection (b) or (f) of this section."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(f) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(f) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(f) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(f) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(f) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(f) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(f) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(f) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(f) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(d) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(d) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(f) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(f) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For legislative history of D.C. Law 9-5, see Historical and Statutory Notes following § 46-226.01.

For legislative history of D.C. Law 9-39, see Historical and Statutory Notes following § 46-226.01.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

### **§ 46-207. ENFORCEMENT BY WITHHOLDING.**

(a) All support orders, whether they are original orders or modifications of existing orders, that are effective on or after January 1, 1994, or that are effective on or after November 1, 1990 in cases being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), shall be immediately enforceable by withholding, unless the Court finds there is good cause not to require immediate withholding or the parties agree in writing to an alternative method of payment.

(b) A finding of good cause not to require immediate withholding pursuant to subsection (a) of this section shall be based on at least:

(1) A written finding and explanation by the Court establishing the reasons that immediate withholding would not be in the best interests of the child; and

(2) Proof of timely payment of previously ordered support in cases involving the modification of support orders.

(c) A written agreement to an alternative method of payment shall be signed by the parties, and by the IV-D agency for support orders being enforced by the IV-D agency. The agreement shall be submitted to the Court for its review and approval, and entered into the Court's record.

(d) All support orders being enforced by the IV-D agency that are not immediately enforceable by withholding under subsection (a) of this section, including support orders subject to a finding of good cause or a written agreement to an alternative method of payment, shall become enforceable by

withholding on the earliest of:

- (1) The date the obligor requests that the withholding begin;
  - (2) The date the custodian requests that the withholding begin; provided, that the IV-D agency approves the request pursuant to procedures the IV-D agency adopts for determining that withholding is in the best interests of the child; or
  - (3) The date on which arrearages equal one month of support payments.
- (e) A support order shall be enforceable by withholding pursuant to subsection (a) or (d) of this section regardless of whether or not the Court has entered an order authorizing withholding as a means of enforcement.
- (f) All support orders not enforceable by withholding under subsection (a) or (d) of this section shall be enforceable by withholding on the effective date of a court order authorizing the withholding. The Court shall enter an order authorizing withholding, at the request of a party, upon a showing that:
- (1) Arrearages equal one month of support payments; or
  - (2) Withholding is in the best interests of the child.

(Feb. 24, 1987, D.C. Law 6-166, § 8, 33 DCR 6710; July 25, 1990, D.C. Law 8-150, § 4(b), 37 DCR 3720; Mar. 16, 1995, D.C. Law 10-217, § 2(b), 41 DCR 8040; Apr. 9, 1997, D.C. Law 11-170, § 2(b), 43 DCR 4480; Apr. 3, 2001, D.C. Law 13-269, § 108(g), 48 DCR 1270; Mar. 30, 2004, D.C. Law 15-130, § 203(c), 51 DCR 1615; Dec. 7, 2004, D.C. Law 15-205, § 3403(e), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(f), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-507.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"(a) The Court shall be the instrumentality for withholding earnings and other income under this chapter.

"(a-1) For an original support order or modification of a support order that is effective on or after January 1, 1994, notice that support payments shall be withheld from earnings or other income immediately, unless the Court finds there is good cause not to impose immediate withholding or the parties agree in writing to an alternative method of payment.

"(b) All Court orders or decrees directing the payment of child or spousal and child support, whether they are original orders or modifications of existing orders, shall contain the following:

"(1) Notice that support payments shall be withheld from earnings or other income as provided in subsection (a-1) of this section;

"(2) The name, address, and telephone number of the obligor's current employer and a provision that the obligor has a duty to notify the Court within 10 days of any change of this information;

"(3) Notice that a withholding order may be changed upon motion from either party to request a reapportionment of periodic arrears payments to reflect a change in the obligor's ability to pay;

"(4) In the case of a support order that is issued or modified on or after November 1, 1990, a finding of good cause not to require immediate withholding shall be based on at least:

"(A) A written explanation by the court of why immediate wage withholding would not be in the best interest of the child; and

"(B) If the modification of a support order is at issue, a written explanation that there is proof of timely payment of previously ordered support obligations; and

"(5) A provision that directs the absent parent to keep the IV-D Program informed of whether the absent parent has access to health coverage at a reasonable cost and, if so, the health policy information.

"(c) The following orders shall be enforceable by means of withholding earnings or other income:

"(1) Any order for child support with an income withholding order under § 16- 916, Chapter 7 of this title, or § 4-213.01;

"(2) Any order for a wage garnishment or wage assignment for child support in effect on February 24, 1987, to the extent that the order does not exceed the maximum amounts permitted under 15 U.S.C. § 1673(b);

"(3) Any Court order or final decree of divorce requiring the payment of child support by a parent;

"(4) Any separation agreement requiring the payment of child support by a parent;

"(5) Any order registered pursuant to Chapter 7 of this title;

"(6) Any support order of another jurisdiction that has been docketed pursuant to § 46-222; and



"(7) Any order for spousal support when it is part of a child support obligation that is being enforced under Part D of Subchapter IV of the Social Security Act (42 U.S.C. § 651 et seq.), and the spouse or former spouse is living with the child."

D.C. Law 15-130 rewrote par. (6) of subsec. (b) which had read:

"(6) Notice that if the obligor provides health insurance coverage for the child and changes to another employer that provides health care coverage, the IV-D agency or the Collection and Disbursement Unit will notify the new employer of the health insurance coverage provision in the support order, and that the employer's receipt of the notice from the IV-D agency or Collection and Disbursement Unit shall operate to enroll the child in the obligor's health plan with the new employer, unless the obligor contests the notice in accordance with rules adopted by the Mayor or the Superior Court, as appropriate;"

D.C. Law 15-205, in subsec. (a-1), substituted "Court" for "Collection and Disbursement Unit"; in subsec. (b), substituted "IV-D agency and the Court" for "Collection and Disbursement Unit" in par. (2), substituted "Court" for "Collection and Disbursement Unit" in par. (5), validated a previously made technical correction in par. (6), rewrote par. (7), and, in par. (8), substituted "Court" for "Collection and Disbursement Unit". Prior to amendment, par. (7) of subsec. (b) had read as follows:

"(7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997, shall be reported to a consumer credit reporting agency if the obligor's support obligations are over 30 days past due; and".

D.C. Law 16-100 rewrote the section, which had read:

"(a) Repealed.

"(a-1) For an original support order or modification of a support order that is effective on or after January 1, 1994, or that is effective on or after November 1, 1990 in cases being enforced pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), the Court shall direct immediately the withholding of support payments sufficient to satisfy the obligation from earnings or other income, unless the Court finds there is good cause not to impose immediate withholding, or the parties agree in writing to an alternative method of payment. Withholding implemented pursuant to this subsection shall be deemed immediate withholding.

"(a-2) A finding of good cause not to impose immediate withholding pursuant to subsection (a-1) of this section shall be based on at least:

"(1) A written finding and explanation by the Court establishing the reasons that implementing immediate withholding would not be in the best interests of the child; and

"(2) Proof of timely payment of previously ordered support in cases involving the modification of support orders.

"(a-3) A written agreement to an alternative method of payment shall be signed by the parties, and by the IV-D agency in cases where there has been an assignment of support rights to the District of Columbia. The agreement shall be submitted to the Court for its review and approval, and entered into the Court's record.

"(b) All support orders, whether they are original orders or modifications of existing orders, shall contain the following:

"(1) Notice that support payments shall be withheld from earnings or other income as provided in subsection (a-1) of this section;

"(2) The name, address, and telephone number of the obligor's current employer and a provision that the obligor has a duty to notify the IV-D agency and the Court within 10 days of any change of this information;

"(3) Notice that a withholding order may be changed upon motion from either party to request a reapportionment of periodic arrears payments to reflect a change in the obligor's ability to pay;

"(4) In the case of a support order that is issued or modified on or after November 1, 1990, notice that a finding of good cause not to require immediate withholding shall be based on at least:

"(A) A written explanation by the court of why immediate wage withholding would not be in the best interest of the child;

"(B) If the modification of a support order is at issue, a written explanation that there is proof of timely payment of previously ordered support obligations; and

"(5) Terms providing for the payment of the child's medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency, and the Court, of the following:

"(A) Any change in either the obligor's or the obligee's access to health insurance coverage for the child or in the reasonableness of the costs of coverage; and

"(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access;

"(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor's employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor's earnings in accordance with §§ 1-307.41, 1-307.42, and subchapter II of this chapter.

"(7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997, shall be reported to a consumer credit reporting agency if the obligor owes overdue support in the amount of \$1000 or more.

"(8) A provision that directs the parties to file and update with the IV-D agency and with the Court the information required by § 46-226.02.

"(c) The following orders shall be enforceable by means of withholding earnings or other income:

"(1) Any support order with an income withholding order under § 16-916; Chapter 3 of this title; or § 4-213.01;

"(2) Any order for a wage garnishment or wage assignment for child support in effect on February 24, 1987, to the extent that the order does not exceed the maximum amounts permitted under 15 U.S.C. § 1673(b);

"(3) Any Court order or final decree of divorce requiring the payment of child support by a parent;

"(4) Any separation agreement requiring the payment of child support by a parent;

"(5) Any order registered for enforcement pursuant to Chapter 3 of this title;

"(6) Any support order entered in another jurisdiction against an obligor who has earnings or other income in the District of Columbia; and

"(7) Any order for spousal support when it is part of a child support obligation that is being enforced under Part D of Subchapter IV of the Social Security Act (42 U.S.C. § 651 et seq.), and the spouse or former spouse is living with the child."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(b) of Child Support Enforcement Temporary Amendment Act of 1994 (D.C. Law 10-210, March 14, 1995, law notification 41 DCR 1526).

For temporary (225 day) amendment of section, see § 2(b) of Child Support Enforcement Temporary Amendment Act of 1995 (D.C. Law 11-47, September 20, 1995, law notification 42 DCR 5506).

For temporary (225 day) amendment of section, see § 2(b) of Child Support Enforcement Temporary Amendment Act of 1996 (D.C. Law 11-148, May 20, 1996, law notification 43 DCR 4353).

For temporary (225 day) amendment of section, see § 7(e) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 7(g) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(g) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(g) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

For temporary (225 day) amendment of section, see § 203(c) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) amendment of section, see § 203(c) of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

Section 3(g) of D.C. Law 16-42 rewrote section to read as follows:

#### **Sec. 8. Enforcement by withholding.**

"(a) All support orders, whether they are original orders or modifications of existing orders, that are effective on or after January 1, 1994, or that are effective on or after November 1, 1990 in cases being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), shall be immediately enforceable by withholding, unless the Court finds there is good cause not to require immediate withholding or the parties agree in writing to an alternative method of payment.

"(b) A finding of good cause not to require immediate withholding pursuant to subsection (a) of this section shall be based on at least:

"(1) A written finding and explanation by the Court establishing the reasons that immediate withholding would not be in the best interests of the child; and

"(2) Proof of timely payment of previously ordered support in cases involving the modification of support orders.

"(c) A written agreement to an alternative method of payment shall be signed by the parties, and by the IV-D agency for support orders being enforced by the IV-D agency. The agreement shall be submitted to the Court for its review and approval, and entered into the Court's record.

"(d) All support orders being enforced by the IV-D agency that are not immediately enforceable by withholding under subsection (a) of this section, including support orders subject to a finding of good cause or a written agreement to an alternative method of payment, shall become enforceable by withholding on the earliest of:

"(1) The date the obligor requests that the withholding begin;

"(2) The date the custodian requests that the withholding begin; provided, that the IV-D agency approves the request pursuant to procedures the IV-D agency adopts for determining that withholding is in the best interests of the child; or

"(3) The date on which arrearages equal one month of support payments.

"(e) A support order shall be enforceable by withholding pursuant to subsection (a) or (d) of this section regardless of whether or not the Court has entered an order authorizing withholding as a means of enforcement.

"(f) All support orders not enforceable by withholding under subsection (a) or (d) of this section shall be enforceable by withholding on the effective date of a court order authorizing the withholding. The Court shall enter an order authorizing withholding, at the request of a party, upon a showing that:

"(1) Arrearages equal one month of support payments; or

"(2) Withholding is in the best interests of the child."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

*Temporary Addition of Section*

Section 3(h) of D.C. Law 16-42 added section to read as follows:

"Sec. 8a. Implementation of withholding.

"(a) The IV-D agency shall implement withholding for support orders enforceable by withholding pursuant to section 8 by issuing an order to withhold in the format prescribed by federal law and serving this order on the holder of the obligor's earnings or other income as follows:

"(1) For support orders that are immediately enforceable by withholding pursuant to section 8(a), within 2 business days after the date the support order is received if the holder's address is known, or, if the holder's address is unknown, within 2 business days after receiving or locating the holder's address.

"(2) For support orders that become enforceable by withholding pursuant to section 8(d), within 2 business days after the date the support order becomes enforceable by withholding if the holder's address is known, or, if the holder's address is unknown, within 2 business days after receiving or locating the holder's address.

"(3) For support orders enforceable by withholding pursuant to section 8(f), within 2 business days of receipt of a written request from the Court or a party that includes a copy of the support order and the order authorizing the withholding; provided, that the holder's address is known, or if the holder's address is unknown, within 2 business days after receiving the holder's address.

"(b) If an obligor changes employment while a withholding is in effect, the IV-D agency shall serve an order to withhold on the new holder within 2 business days after receiving or locating the new holder's address.

"(c) For the purpose of this section, the IV-D agency shall be deemed to have received the holder's address on the date the IV-D agency's computerized support enforcement system receives notice of income or an income source from a court, a state, a holder, the Federal Parent Locator Service, or another source recognized by the IV-D agency, or the date information regarding a newly hired employee is entered into the District of Columbia Directory of New Hires pursuant to section 27f. The Court shall provide the IV-D agency with information it receives concerning the name or address of a holder within 2 business days after receiving the information.

"(d) The IV-D agency shall use the automated system it maintains pursuant to section 27j to the maximum extent that is feasible to assist and facilitate the collection and disbursement of support payments and the implementation of withholding, including:

"(1) Transmission of orders to withhold to employers and other holders;

"(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

"(3) Automatic use of enforcement procedures if payments are not timely made.

"(e) Any person or entity may serve a notice to withhold in the format prescribed by federal law on a holder of an obligor's earnings or other income to inform the holder that the obligor's support order is enforceable by withholding and to require the holder to implement withholding in accordance with this act. A person or entity serving a notice to withhold shall provide a copy of the support order and the order authorizing the withholding

to the holder with the notice.

"(f) Notices and orders to withhold may be served without prior notice to the obligor, by in person delivery, certified mail, first-class mail, facsimile, or electronically, if the holder can receive electronic notices."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 2(b) of the Child Support Enforcement Emergency Amendment Act of 1996 (D.C. Act 11-250, April 15, 1996, 43 DCR 2131), § 2(b) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-304, July 31, 1996, 43 DCR 4474), and see § 2(b) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-31, March 11, 1997, 44 DCR 1904).

For temporary amendment of section, see § 7(e) of the Child Support and Welfare Reform Compliance Emergency Amendment Act 1997 (D.C. Act 12-222, December 23, 1997, 44DCR 114).

For temporary amendment of section, see § 7(g) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(g) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110), § 7(g) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(g) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(g) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(g) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(g) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(g) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(g) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 203(c) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) amendment of section, see § 203(c) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) amendment of section, see § 203(c) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) amendment of section, see § 203(c) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

For temporary (90 day) amendment of section, see § 3403(e) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(e) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(g) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) addition, see § 3(h) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(g) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

For temporary (90 day) addition, see § 3(h) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For legislative history of D.C. Law 8-150, see Historical and Statutory Notes following § 46-224.01.

For legislative history of D.C. Law 10-217, see Historical and Statutory Notes following § 46-205.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-130, see notes following § 46-204.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

## **§ 46-207.01. IMPLEMENTATION OF WITHHOLDING.**

(a) The IV-D agency shall implement withholding for support orders enforceable by withholding pursuant to § 46-207 by issuing an order to withhold in the format prescribed by federal law and serving this order on the holder of the obligor's earnings or other income as follows:

(1) For support orders that are immediately enforceable by withholding pursuant to § 46-207(a), within 2 business days after the date the support order is received if the holder's address is known, or, if the holder's address is unknown, within 2 business days after receiving or locating the holder's address.

(2) For support orders that become enforceable by withholding pursuant to § 46-207(d), within 2 business days after the date the support order becomes enforceable by withholding if the holder's address is known, or, if the holder's address is unknown, within 2 business days after receiving or locating the holder's address.

(3) For support orders enforceable by withholding pursuant to § 46-207(f), within 2 business days of receipt of a written request from the Court or a party that includes a copy of the support order and the order authorizing the withholding; provided, that the holder's address is known, or if the holder's address is unknown, within 2 business days after receiving the holder's address.

(b) If an obligor changes employment while a withholding is in effect, the IV-D agency shall serve an order to withhold on the new holder within 2 business days after receiving or locating the new holder's address.

(c) For the purpose of this section, the IV-D agency shall be deemed to have received the holder's address on the date the IV-D agency's computerized support enforcement system receives notice of income or an income source from a court, a state, a holder, the Federal Parent Locator Service, or another source recognized by the IV-D agency, or the date information regarding a newly hired employee is entered into the District of Columbia Directory of New Hires pursuant to § 46-226.06. The Court shall provide the IV-D agency with information it receives concerning the name or address of a holder within 2 business days after receiving the information.

(d) The IV-D agency shall use the automated system it maintains pursuant to § 46-226.10 to the maximum extent that is feasible to assist and facilitate the collection and disbursement of support payments and the implementation of withholding, including:

(1) Transmission of orders to withhold to employers and other holders;

(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

(3) Automatic use of enforcement procedures if payments are not timely made.

(e) Any person or entity may serve a notice to withhold in the format prescribed by federal law on a holder of an obligor's earnings or other income to inform the holder that the obligor's support order is enforceable by withholding and to require the holder to implement withholding in accordance with this subchapter. A person or entity serving a notice to withhold shall provide a copy of the support order and the order authorizing the withholding to the holder with the notice.

(f) Notices and orders to withhold may be served without prior notice to the obligor, by in-person delivery, certified mail, first-class mail, facsimile, or electronically, if the holder can receive electronic notices.

(Feb. 24, 1987, D.C. Law 6-166, § 8a, as added May 12, 2006, D.C. Law 16- 100, § 3(g), 53 DCR 1886; Mar. 25, 2009, D.C. Law 17-353, § 111(b)(1), 56 DCR 1117.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 17-353 validated a previously made technical correction in the section name line.

#### *Legislative History of Laws*

For Law 16-100, see notes following § 46-201.

Law 17-353, the "Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-

994 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 15, 2009, it was assigned Act No. 17-687 and transmitted to both Houses of Congress for its review. D.C. Law 17-353 became effective on March 25, 2009.

## **§ 46-208. WITHHOLDING.**

(a) Notwithstanding any other provision of subchapter II or III of Chapter 5 of Title 16, where a notice or order to withhold is served on a holder of an obligor's earnings or other income, the withholding shall be for an amount sufficient to satisfy the obligor's periodic support obligation, an amount equal to 25% of the periodic support obligation if the obligor owes overdue support, and other costs or fees required by the support order.

(b) When an obligor is no longer subject to a periodic support obligation but owes overdue support, the withholding shall be for the amount of the obligor's most recent periodic support obligation.

(c) Upon a motion by a party or the IV-D agency, the Court may order withholding of an amount that differs from the amount required for overdue support pursuant to subsection (a) or (b) of this section if the Court finds that the amount required would:

(1) Cause a substantial hardship to the obligor; or

(2) Result in an unreasonable delay in the full payment of the overdue support.

(d) A notice or order to withhold served on a holder in accordance with this subchapter shall have priority over any other legal process under District law, and shall not exceed the limitations set forth under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(e) The Collection and Disbursement Unit shall establish procedures for the prompt return to an obligor of any amounts it receives that have been improperly withheld.

(f) Nothing in this subchapter shall be construed to require a judicial or administrative hearing before the implementation of withholding.

(g) An order to withhold issued in accordance with this subchapter shall be binding on each present and future holder upon whom it is served until the holder is notified of its termination in writing by the Court or the IV-D agency. Upon a motion filed by a party or the IV-D agency, the Court may enforce an order to withhold issued by the IV-D agency in the same manner as the Court may enforce a judicial order, including civil contempt.

(h) Where a party or entity registers a support order entered in another jurisdiction for enforcement pursuant to Chapter 3 of this title, withholding shall be implemented in the same manner and subject to the same procedures as a support order entered in the District of Columbia.

(Feb. 24, 1987, D.C. Law 6-166, § 9, 33 DCR 6710; Aug. 17, 1991, D.C. Law 9-39, § 4(b), 38 DCR 4970; Apr. 3, 2001, D.C. Law 13-269, § 108(h), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(f), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(h), 53 DCR 1886; Mar. 25, 2009, D.C. Law 17-353, § 111(b)(2), 56 DCR 1117.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 30-508.

#### *Effect of Amendments*

D.C. Law 13-269, in subsec. (c), rewrote the introductory paragraph which had read: "Notwithstanding §§ 46-209(a) and 46-210(e)(2), cases not subject to immediate withholding shall become subject to immediate withholding upon request, regardless of whether there is an arrearage, on the earliest of:", deleted "; or" at the end of par. (2), added "; or" at the end of par. (3), and added a new par. (4); and added new subsecs. (d) and (e).

D.C. Law 15-205 rewrote subsec. (b); and, in subsecs. (c) and (e), substituted "Court" for "Collection and Disbursement Unit". Prior to amendment, subsec. (b) had read as follows:

"(b) The Mayor shall establish a procedure for the prompt return to an obligor of any overpayment pursuant to § 46-227."

D.C. Law 16-100 rewrote section, which had read:

"(a) Notwithstanding any other provision of subchapter II or III of Chapter 5 of Title 16, where a withholding is levied upon earnings or other income, the withholding shall:

"(1) Not exceed the limitations set forth under 15 U.S.C. § 1673(b);

"(2) Be binding upon each present and future holder upon whom a copy of the notice of withholding is served

until the holder is notified of its termination; and

"(3) Have priority over any legal process under District law.

"(b) The Collection and Disbursement Unit shall establish procedures for the prompt return to an obligor of any amounts that have been improperly withheld.

"(c) The Court shall initiate withholding in cases not subject to immediate withholding pursuant to § 46-207(a-1) on the earliest of:

"(1) The date an absent parent requests the withholding;

"(2) The date a custodial parent requests the withholding and the IV-D agency approves the request;

"(3) Any earlier date the IV-D agency may select; or

"(4) The date on which arrearages equal one month of support payments.

"(d) Nothing in this subchapter shall be construed to require a judicial or administrative hearing before initiation of withholding.

"(e) At the request of a party or entity initiating a registration for enforcement of a support order entered in another jurisdiction pursuant to Chapter 3 of this title, the Court shall implement withholding in the same manner and subject to the same procedures as an order issued by a tribunal of the District of Columbia."

D.C. Law 17-353 validated a previously made technical correction in the capitalization of "subchapter" in subsec. (a).

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(h) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(h) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(h) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(i) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 9. Withholding.

"(a) Notwithstanding any other provision of Subchapter II or III of Chapter 5 of Title 16, where a notice or order to withhold is served on a holder of an obligor's earnings or other income, the withholding shall be for an amount sufficient to satisfy the obligor's periodic support obligation, an amount equal to 25% of the periodic support obligation if the obligor owes overdue support, and other costs or fees required by the support order.

"(b) When an obligor is no longer subject to a periodic support obligation but owes overdue support, the withholding shall be for the amount of the obligor's most recent periodic support obligation.

"(c) Upon a motion by a party or the IV-D agency, the Court may order withholding of an amount that differs from the amount required for overdue support pursuant to subsection (a) or (b) of this section if the Court finds that the amount required would:

"(1) Cause a substantial hardship to the obligor; or

"(2) Result in an unreasonable delay in the full payment of the overdue support.

"(d) A notice or order to withhold served on a holder in accordance with this act shall have priority over any other legal process under District law, and shall not exceed the limitations set forth under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

"(e) The Collection and Disbursement Unit shall establish procedures for the prompt return to an obligor of any amounts it receives that have been improperly withheld.

"(f) Nothing in this act shall be construed to require a judicial or administrative hearing before the implementation of withholding.

"(g) An order to withhold issued in accordance with this act shall be binding on each present and future holder upon whom it is served until the holder is notified of its termination in writing by the Court or the IV-D agency. Upon a motion filed by a party or the IV-D agency, the Court may enforce an order to withhold issued by the IV-D agency in the same manner as the Court may enforce a judicial order, including civil contempt.

"(h) Where a party or entity registers a support order entered in another jurisdiction for enforcement pursuant to the Uniform Interstate Family Support Act of 1995, effective February 9, 1996 (D.C. Law 11-81; D.C. Official Code § 46-301.01 *et seq.*), withholding shall be implemented in the same manner and subject to the same procedures as a support order entered in the District of Columbia."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(f) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 7(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 45 DCR 309), § 7(h) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(h) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(h) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(h) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(h) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(h) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(f) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(f) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(i) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(i) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For legislative history of D.C. Law 9-5, see Historical and Statutory Notes following § 46-226.01.

For legislative history of D.C. Law 9-39, see Historical and Statutory Notes following § 46-226.01.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

For Law 17-353, see notes following § 46-207.01.

#### *Delegation of Authority*

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

### **§ 46-209. NOTICE OF WITHHOLDING TO THE OBLIGOR.**

(a) If a support order becomes enforceable by withholding pursuant to § 46-207(d), the IV-D agency shall send a notice of withholding to the obligor and shall certify the date the notice is mailed.

(b) The notice of withholding to the obligor shall include the following:

- (1) Notice that withholding has commenced;
- (2) A statement of any arrearage that has accrued, the amount of the support obligation that is accruing, and the periodic amount required to be paid in the future;
- (3) A statement of the amount of the obligor's earnings or other income that shall be withheld;



(4) A statement that the withholding shall apply to any current and subsequent employer or period of employment;

(5) A statement that the obligor has the right to object to the withholding, a statement of the procedures available for objecting to the withholding, and a statement that the only basis for objecting to the withholding is a mistake of fact as defined in § 46-210(c);

(6) A statement of the actions that will be taken if the obligor objects to the withholding; and

(7) A statement of the information given to the holder pursuant to § 46-211.

(c) The IV-D agency shall send the notice of withholding to the obligor within 15 days after serving the order to withhold on the holder.

(Feb. 24, 1987, D.C. Law 6-166, § 10, 33 DCR 6710; July 25, 1990, D.C. Law 8-150, § 4(c), 37 DCR 3720; Apr. 9, 1997, D.C. Law 11-170, § 2(c), 43 DCR 4480; Apr. 3, 2001, D.C. Law 13-269, § 108(i), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(g), 51 DCR 8441; May 12, 2006, D.C. Law 16- 100, § 3(i), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-509.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"§ 46-209. Notice of intent to withhold.

"(a) For any order listed in § 46-207(c)(1), (2), (3), (4), or (7) where there are arrearages equal to 30 days of support payments, any caretaker, custodian, responsible relative, or the Mayor may apply to the Clerk of the Court to issue a notice of intent to withhold and the Clerk of the Court shall issue to the obligor, by certified mail, a notice of intent to withhold and shall certify the date the notice is mailed. The Mayor shall apply to the Clerk of the Court to issue a notice of intent to withhold in all child support cases in which a child support order was issued effective before October 1, 1990, and being enforced under 42 U.S.C. § 651 et seq., where there are arrearages equal to 30 days of support payments.

"(b) For any order listed in § 46-207(c)(5) or (6), any caretaker, custodian, responsible relative, or agency may apply to the Clerk of the Court to issue a notice of intent to withhold upon compliance with the requirements of § 46- 222. The Clerk of the Court shall issue to the obligor by certified mail a notice of intent to withhold and shall certify the date the notice is mailed.

"(c) The notice of intent to withhold as required in subsections (a) and (b) of this section shall include the following:

"(1) A statement of any arrearage that has accrued, the support obligation that is accruing, and the periodic amount required to be paid in the future;

"(2) A statement that the obligor's earnings or other income shall be withheld in the amount specified in the notice;

"(3) A statement that the withholding shall apply to any current and subsequent periods of employment;

"(4) A statement that, unless the obligor files an objection to contest the withholding within 15 days of the date the notice was mailed to the obligor, the Clerk of the Court will notify the holder to commence the withholding;

"(5) A statement that the obligor has the right to contest the withholding, a statement of the procedures available for contesting the withholding, and a statement that the only basis for contesting is a mistake of fact as defined in § 46-210(c);

"(6) A statement of the actions that will be taken if the obligor contests the withholding;

"(7) A statement that, within 10 days after termination or change of employment or change of the obligor's home address, the obligor shall notify the Court and provide the following information:

"(A) The obligor's social security number;

"(B) The obligor's home address and telephone number; and

"(C) The name, address, and telephone number of the obligor's employer; and

"(8) The time period within which the withholding shall begin and the information given to the holder pursuant to § 46-211.

"(d)(1) In the case of wages not subject to immediate withholding, including cases subject to a finding of good cause or a written agreement, the court shall issue advance notice of initiated withholding to the absent parent on the earliest of the following dates:

"(A) If the absent parent's address is known:

"(i) Within 15 days of the date on which the arrearages equal support payable for 1 month;

"(ii) The date on which the absent parent requests payment to begin, if the date is approved by the court; or

"(iii) A date established by the court pursuant to child support procedures; or

"(B) If the parent's address is not known, within 15 calendar days of locating the parent.

"(2) The advance notice shall include the information set forth in subsection (c) of this section."

D.C. Law 15-205, in subsec. (a), substituted "Court" for "Collection and Disbursement Unit"; and, in par. (7) of subsec. (c), substituted "IV-D agency and the Court" for "Collection and Disbursement Unit".

D.C. Law 16-100 rewrote the section, which had read:

"(a) For any support order subject to initiated withholding pursuant to § 46- 208(c), the Court shall issue to the obligor, by certified mail, a notice of withholding and shall certify the date the notice is mailed.

"(b) Repealed.

"(c) The notice of withholding shall include the following:

"(1) Notice that withholding has commenced;

"(2) A statement of any arrearage that has accrued, the support obligation that is accruing, and the periodic amount required to be paid in the future;

"(3) A statement that the obligor's earnings or other income shall be withheld in the amount specified in the notice;

"(4) A statement that the withholding shall apply to any current and subsequent periods of employment;

"(5) A statement that the obligor has the right to contest the withholding, a statement of the procedures available for contesting the withholding, and a statement that the only basis for contesting the withholding is a mistake of fact as defined in § 46-210(c);

"(6) A statement of the actions that will be taken if the obligor contests the withholding;

"(7) A statement that, within 10 days of termination or change of the obligor's employment, or change of the obligor's home address, the obligor shall notify the IV-D agency and the Court of the termination or change and provide the following information:

"(A) The obligor's social security number;

"(B) The obligor's residential and mailing address and telephone number;

"(C) The name, address, and telephone number of all of the obligor's employers, including all names under which each employer does business, and, if the obligor is self-employed, the obligor's business address and all names under which the obligor does business;

"(D) The obligor's driver's license number; and

"(8) A statement of the information given to the holder pursuant to 46-211.

"(d)(1) In the case of wages subject to initiated withholding, including cases subject to a finding of good cause or a written agreement, the court shall issue a notice of withholding to the absent parent on the earliest of the following dates:

"(A) If the absent parent's address is known:

"(i) Within 15 days of the date on which the arrearages equal support payable for 1 month;

"(ii) The date on which the obligor requests payment to begin;

"(iii) A date established by the court pursuant to child support procedures; or

"(iv) The date on which the obligee requests withholding or, for orders being enforced pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), the date the IV-D agency approves the request; or

"(B) If the parent's address is not known, within 15 calendar days of locating the parent.

"(2) The notice shall include the information set forth in subsection (c) of this section."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(c) of Child Support Enforcement Temporary Amendment Act of 1995 (D.C. Law 11-47, September 20, 1995, law notification 42 DCR 5506).

For temporary (225 day) amendment of section, see § 2(c) of Child Support Enforcement Temporary Amendment Act of 1996 (D.C. Law 11-148, May 20, 1996, law notification 43 DCR 4353).

For temporary (225 day) amendment of section, see § 7(g) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).

For temporary (225 day) amendment of section, see § 7(i) of Child Support and Welfare Reform Compliance

Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(i) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(i) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(j) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 10. Notice of withholding to the obligor.

"(a) If a support order becomes enforceable by withholding pursuant to section 8(d), the IV-D agency shall send a notice of withholding to the obligor and shall certify the date the notice is mailed.

"(b) The notice of withholding to the obligor shall include the following:

"(1) Notice that withholding has commenced;

"(2) A statement of any arrearage that has accrued, the amount of the support obligation that is accruing, and the periodic amount required to be paid in the future;

"(3) A statement of the amount of the obligor's earnings or other income that shall be withheld;

"(4) A statement that the withholding shall apply to any current and subsequent employer or period of employment;

"(5) A statement that the obligor has the right to object to the withholding, a statement of the procedures available for objecting to the withholding, and a statement that the only basis for objecting to the withholding is a mistake of fact as defined in section 11(c);

"(6) A statement of the actions that will be taken if the obligor objects to the withholding; and

"(7) A statement of the information given to the holder pursuant to section 12.

"(c) The IV-D agency shall send the notice of withholding to the obligor within 15 days after serving the order to withhold on the holder."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 2(c) of the Child Support Enforcement Emergency Amendment Act of 1996 (D.C. Act 11-250, April 15, 1996, 43 DCR 2131), § 2(c) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-304, July 31, 1996, 43 DCR 4474), and § 2(c) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-31, March 11, 1997, 44 DCR 1904).

For temporary amendment of section, see § 7(g) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 7(i) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(i) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110), § 7(i) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(i) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(i) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(i) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(i) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(i) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(i) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(g) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(g) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) addition of section, see § 3(j) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(j) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For legislative history of D.C. Law 8-150, see Historical and Statutory Notes following § 46-224.01.

For legislative history of D.C. Law 11-170, see Historical and Statutory Notes following § 46-205.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

#### *Delegation of Authority*

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

### **§ 46-210. OBJECTIONS TO WITHHOLDING.**

(a) An obligor may object to a withholding commenced pursuant to § 46-207.01 by filing a motion to quash the withholding with the Court within 15 days after the earlier of the date the notice of withholding was mailed or the date the first payment was withheld.

(b) The Court shall resolve any motion to quash the withholding within 90 days after service of the motion on the opposing party, unless, upon a showing of good cause, the Court finds that additional time is needed to resolve the motion.

(c) The only ground for an objection to a withholding is a mistake of fact, which is defined as:

(1) A mistake in the amount of arrears;

(2) A mistake in the identity of the obligor; or

(3) A mistake in the amount of the withholding that causes the amount withheld to exceed the limits specified in § 46-208 or section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(d) Payment of arrearages after the date of issuance of a notice of withholding to the obligor pursuant to § 46-209 is not a defense to the withholding.

(e) The Court shall deny the motion in all cases except where the identity of the obligor is mistaken or, if applicable, where arrearages have never equaled one month of support payments, and shall notify the obligor.

(f) If the Court determines that the amount to be withheld exceeds the limits of § 46-208 or section 303(b) of the Consumer Credit Protection Act, the Court shall serve or direct the IV-D agency to serve an order to withhold on the holder that complies with those limits.

(g) The Court shall deny any request to stay the withholding pending resolution of an objection or appeal.

(Feb. 24, 1987, D.C. Law 6-166, § 11, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(j), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(h), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(j), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-510.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"(a) The Clerk shall issue the notice of withholding pursuant to § 46-211 unless the obligor files an objection to contest the withholding pursuant to this section within 15 days after the notice of intent to withhold is mailed.

"(b) The notice to the holder pursuant to § 46-211 shall be sent within 45 days of the date that the notice of

intent to withhold was sent to the obligor pursuant to subsection (a) and this subsection. Any objections raised by the obligor shall be resolved within 45 days from the date that the notice of intent to withhold was sent.

"(c) The only grounds for objection by an obligor are mistakes of fact which are defined as:

"(1) The amount of arrears;

"(2) The identity of the obligor; and

"(3) Whether the amount to be withheld as a periodic payment exceeds the limits of 15 U.S.C. § 1673(b).

"(d) Payment of arrearages after the date of the application to the Clerk of the Court for the issuance of a notice of intent to withhold pursuant to subsection (b) of this section is not a defense to the withholding.

"(e)(1) Objections filed to contest the withholding shall be filed with the Court.

"(2) The Court shall order withholding in all cases except where the identity of the obligor is mistaken or where arrearages have never equaled 30 days of support payments, and shall notify the obligor.

"(3) The notice of withholding shall include the time period within which the withholding shall begin, and shall contain the information given to the holder pursuant to § 46-211.

"(4) The Court shall not grant any request to stay implementation of withholding pending further objections or appeal.

"(5) If the Court determines that the amount to be withheld as a periodic payment exceeds the limits of 15 U.S.C. § 1673(b), then the Court shall issue a notice of withholding to the holder that complies with those limits.

"(f) Notice to an obligor sent pursuant to § 46-222 shall comply with this section and provisions in § 46-222(a)(3)."

D.C. Law 15-205 rewrote subsec. (d); and, in par. (5) of subsec. (e), deleted "direct the Collection and Disbursement Unit to" following "The court shall". Prior to amendment, subsec. (d) had read as follows:

"(d) Payment of arrearages after the date of the application to the Collection and Disbursement Unit for the issuance of a notice of withholding pursuant to subsection (b) of this section is not a defense to the withholding."

D.C. Law 16-100 rewrote the section, which had read:

"(a) For support orders subject to immediate or initiated withholding pursuant to § 46-207(a-1) or § 46-208(c), the obligor may contest the withholding by filing with the Court a motion to quash the withholding within 15 days of the date the notice of withholding is mailed. Upon the filing of a motion to quash the withholding, the Collection and Disbursement Unit shall hold in escrow all monies collected pursuant to the withholding until the motion is resolved or the Court orders the release of the escrow.

"(b) The Court shall resolve any motion to quash the withholding within 90 days of the date the notice of withholding was mailed, unless, upon a showing of good cause, the Court finds that additional time is needed to resolve the motion. If the Court finds that additional time is needed to resolve the motion, the Court may release to the obligee any funds held in escrow pursuant to the withholding and order the release of all further payments to the obligee pending further proceedings.

"(c) The only grounds for objection by an obligor are mistakes of fact which are defined as:

"(1) The amount of arrears;

"(2) The identity of the obligor; and

"(3) Whether the amount to be withheld as a periodic payment exceeds the limits of 15 U.S.C. § 1673(b).

"(d) Payment of arrearages after the date of the issuance of a notice of withholding pursuant to § 46-209 is not a defense to the withholding.

"(e)(1) Motions filed to contest the withholding shall be filed with the Court.

"(2) The Court shall deny the motion in all cases except where the identity of the obligor is mistaken or where arrearages have never equaled one month of support payments, and shall notify the obligor.

"(3) Repealed.

"(4) The Court shall not grant any request to stay implementation of withholding or hold funds in escrow pending further objections or appeal.

"(5) If the Court determines that the amount to be withheld as a periodic payment exceeds the limits of 15 U.S.C. § 1673(b), the Court shall issue a notice to withhold to the holder that complies with those limits.

"(f) Repealed."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(j) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(j) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(j) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(k) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 11. Objections to withholding.

"(a) An obligor may object to a withholding commenced pursuant to section 8a by filing a motion to quash the withholding with the Court within 15 days after the earlier of the date the notice of withholding was mailed or the date the first payment was withheld.

"(b) The Court shall resolve any motion to quash the withholding within 90 days after service of the motion on the opposing party, unless, upon a showing of good cause, the Court finds that additional time is needed to resolve the motion.

"(c) The only ground for an objection to a withholding is a mistake of fact, which is defined as:

"(1) A mistake in the amount of arrears;

"(2) A mistake in the identity of the obligor; or

"(3) A mistake in the amount of the withholding that causes the amount withheld to exceed the limits specified in section 9 or section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

"(d) Payment of arrearages after the date of issuance of a notice of withholding to the obligor pursuant to section 10 is not a defense to the withholding.

"(e) The Court shall deny the motion in all cases except where the identity of the obligor is mistaken or, if applicable, where arrearages have never equaled one month of support payments, and shall notify the obligor.

"(f) If the Court determines that the amount to be withheld exceeds the limits of section 9 or section 303(b) of the Consumer Credit Protection Act, the Court shall serve or direct the IV-D agency to serve an order to withhold on the holder that complies with those limits.

"(g) The Court shall deny any request to stay the withholding pending resolution of an objection or appeal."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(j) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 23, 1998, 45 DCR 1923), § 7(j) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(j) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(j) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(j) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(j) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(j) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(h) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(h) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(k) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(k) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

## **§ 46-211. NOTICE TO WITHHOLD TO THE HOLDER.**

A notice or order to withhold served pursuant to § 46-207.01 shall be issued in the format required by federal law and shall state the following:

- (1) The amount to be withheld, including any fee deducted and retained under § 46-212;
- (2) That the amount to be withheld shall not exceed the limits imposed under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));
- (3) That the holder shall withhold from the obligor's earnings or other income the amount specified in the notice or order to withhold, pay the withheld amount to the Collection and Disbursement Unit within 7 business days after the date the income would have been paid to the obligor, and report to the Collection and Disbursement Unit the date on which the amount was withheld;
- (4) That the holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued;
- (5) That the holder may deduct and retain an additional \$ 2 for processing costs or, if applicable, an amount permitted under § 46-212(e);
- (6) That the withholding is binding on the holder until further notice;
- (7) That the holder may be fined in accordance with § 46-219(c) for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against an obligor because of the withholding;
- (8) That, if the holder fails to withhold support payments from earnings or other income or remit these payments to the Collection and Disbursement Unit as required under this subchapter, the holder shall be liable as specified in § 46-213;
- (9) That the withholding has priority over any other legal process under District law;
- (10) That the holder may combine withheld amounts from more than one obligor in a single payment and separately identify the portion of the payment that is attributable to each obligor;
- (11) That the holder shall withhold according to the requirements of § 46-212; and
- (12) That the holder shall give notice to the IV-D agency of a termination of the obligor's employment as required by § 46-216.

(Feb. 24, 1987, D.C. Law 6-166, § 12, 33 DCR 6710; Apr. 9, 1997, D.C. Law 11-170, § 2(d), 43 DCR 4480; Apr. 3, 2001, D.C. Law 13-269, § 108(k), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(i), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(k), 53 DCR 1886.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 30-511.

*Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"§ 46-211. Notice of withholding to the holder.

"(a) After issuance of the notice of intent to withhold, and the determination, against the obligor, of any objections raised by the obligor under § 46-210, but within 45 days from the date the notice of intent to withhold was issued to the obligor, the Clerk of the Court shall issue a notice to the holder.

"(a-1) In the case of immediate wage withholding, the Clerk of the Court shall issue a notice to withhold within 15 days of the date the support order is issued if the employer's address is known, or if the employer's address is unknown, within 15 days of locating the employer's address.

"(b) The notice issued under subsections (a) and (a-1) of this section shall explain the following:

"(1) The amount to be withheld for support and other purposes and that the amount to be withheld may not exceed the limits imposed under 15 U.S.C. § 1673(b);

"(2) That, if the holder is the obligor's employer, the holder must send the withheld amount to the Court at the same time the obligor is paid;

"(3) That the holder may deduct and retain an additional \$2 for processing costs;

"(4) That the withholding is binding on the holder until further notice by the Court;

"(5) That the holder or employer may be fined in accordance with § 46-219(c) for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against any obligor because of the withholding;

"(6) That, if the holder fails to withhold earnings or other income as required under this chapter, the holder will be liable as specified in § 46-213;

"(7) That the withholding has priority as specified in § 46-208(a)(3);

"(8) That the holder may combine withheld amounts from more than 1 obligor in a single payment and separately identify the portion of the payment that is attributable to each obligor;

"(9) That the holder must withhold according to the requirements of § 46-212; and

"(10) That the holder shall give notice to the Court of termination of employment of the obligor as required by § 46-216."

D.C. Law 15-205, in subsecs. (a), (a-1), (a-2), and pars. (4) and (10) of subsec. (b), substituted "Court" for "Collection and Disbursement Unit".

D.C. Law 16-100 rewrote the section, which had read:

"(a) For support orders subject to immediate or initiated withholding, the Court shall issue a notice to withhold to the holder, which may be issued electronically if the holder can receive electronic notices, without providing prior notice to the obligor.

"(a-1) In the case of immediate withholding pursuant to § 46-207(a-1), the Court shall issue a notice to withhold to the holder within 2 business days of the date the support order is received, if the holder's address is known, or, if the holder's address is unknown, within 2 business days of locating the holder's address.

"(a-2) In the case of initiated withholding pursuant to § 46-208(c), the Court shall issue a notice to withhold to the holder within 2 business days of the date specified in § 46-208(c), if the holder's address is known, or if the holder's address is unknown within 2 business days of locating the holder's address.

"(b) The notice issued under subsections (a), (a-1), and (a-2) of this section shall explain the following:

"(1) The amount to be withheld for support and other purposes and that the amount to be withheld may not exceed the limits imposed under 15 U.S.C. § 1673(b);

"(2) That, if the holder is the obligor's employer, the holder must send the withheld amount to the Collection and Disbursement Unit at the same time the obligor is paid, except as provided in § 46-412(a) and (e);

"(3) That the holder may deduct and retain an additional \$2 for processing costs, or, if applicable, an amount permitted under § 46-412(e);

"(4) That the withholding is binding on the holder until further notice by the Court;

"(5) That the holder or employer may be fined in accordance with § 46-219(c) for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against any obligor because of the withholding;

"(6) That, if the holder fails to withhold earnings or other income as required under this subchapter, the holder will be liable as specified in § 46-213;

"(7) That the withholding has priority as specified in § 46-208(a)(3);

"(8) That the holder may combine withheld amounts from more than 1 obligor in a single payment and separately identify the portion of the payment that is attributable to each obligor;

"(9) That the holder must withhold according to the requirements of § 46-212; and

"(10) That the holder shall give notice to the Court of termination of employment of the obligor as required by § 46-216."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(d) of Child Support Enforcement Temporary Amendment Act of 1995 (D.C. Law 11-47, September 20, 1995, law notification 42 DCR 5506).

For temporary (225 day) amendment of section, see § 2(d) of Child Support Enforcement Temporary Amendment Act of 1996 (D.C. Law 11-148, May 20, 1996, law notification 43 DCR 4353).

For temporary (225 day) amendment of section, see § 7(h) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-103, May 8, 1998, law notification 45 DCR 3254).



For temporary (225 day) amendment of section, see § 7(k) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(k) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(k) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(l) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 12. Notice to withhold to the holder.

"A notice or order to withhold served pursuant to section 8a shall be issued in the format required by federal law and shall state the following:

"(1) The amount to be withheld, including any fee deducted and retained under section 13;

"(2) That the amount to be withheld shall not exceed the limits imposed under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));

"(3) That the holder shall withhold from the obligor's earnings or other income the amount specified in the notice or order to withhold, pay the withheld amount to the Collection and Disbursement Unit within 7 business days after the date the income would have been paid to the obligor, and report to the Collection and Disbursement Unit the date on which the amount was withheld;

"(4) That the holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued;

"(5) That the holder may deduct and retain an additional \$ 2 for processing costs or, if applicable, an amount permitted under section 13(e);

"(6) That the withholding is binding on the holder until further notice;

"(7) That the holder may be fined in accordance with section 20(c) for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against an obligor because of the withholding;

"(8) That, if the holder fails to withhold support payments from earnings or other income or remit these payments to the Collection and Disbursement Unit as required under this act, the holder shall be liable as specified in section 14;

"(9) That the withholding has priority over any other legal process under District law;

"(10) That the holder may combine withheld amounts from more than one obligor in a single payment and separately identify the portion of the payment that is attributable to each obligor;

"(11) That the holder shall withhold according to the requirements of section 13; and

"(12) That the holder shall give notice to the IV-D agency of a termination of the obligor's employment as required by section 17."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 2(d) of the Child Support Enforcement Emergency Amendment Act of 1996 (D.C. Act 11-250, April 15, 1996, 43 DCR 2131), § 2(d) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-304, July 31, 1996, 43 DCR 4474), and § 2(d) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-31, March 11, 1997, 44 DCR 1904).

For temporary amendment of section, see § 7(h) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 7(k) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(k) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(k) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(k) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(k) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(k) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(k) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(k) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(k) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(i) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(i) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(l) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(l) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For legislative history of D.C. Law 11-170, see Historical and Statutory Notes following § 46-205.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

### **§ 46-212. HOLDER'S DUTY TO WITHHOLD AND MAKE PAYMENTS.**

(a) Except as provided in subsection (e) of this section, a holder that receives a notice or order to withhold issued in accordance with this subchapter shall withhold the specified amount and make payment to the Collection and Disbursement Unit no later than 7 business days after the date the amount would have been paid or credited to the obligor. The holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued.

(b) If a holder receives notice of any legal proceeding challenging the withholding or the judgment or order of support on which it is based, the holder shall continue to withhold and submit the payments to the Collection and Disbursement Unit until the holder receives written notice from the Court or the IV-D agency directing the holder to cease the withholding.

(c) Any payment made by a holder in conformity with this section shall discharge the liability of the holder to the obligor to the extent of the payment.

(d) A holder upon whom a notice or order to withhold has been served may deduct and retain from the obligor's earnings or other income an additional \$2 for each deduction made in accordance with the notice or order to withhold. Where the total amount to be withheld, together with a fee, exceeds the limitations set forth in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), the holder shall reduce the amount of the withholding to conform with these limitations, but the amount of the fee shall not be reduced by reason of the limitations.

(e) Notwithstanding any other provision of this subchapter, if a holder receives a notice or order to withhold issued by another state, the holder shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

- (1) The holder's fee for processing the notice or order to withhold;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the holder must implement the withholding and forward the support payment;
- (4) The priorities for withholding and allocating income withheld for multiple support obligees; and
- (5) Any withholding terms or conditions not specified in the notice or order to withhold.

(Feb. 24, 1987, D.C. Law 6-166, § 13, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(l), 48 DCR

1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(j), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(l), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-512.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote subsec. (a); substituted "Collection and Disbursement Unit" for "Court" in subsec. (b); and added subsec. (e). Prior to amendment, subsec. (a) had read:

"(a) A holder required to withhold earnings or other income shall withhold and make payment no later than the first pay period that occurs after 14 days following the date the notice was mailed or no later than the date the applicable income becomes due or otherwise available to the obligor. Thereafter, the holder shall send the required withholding to the Court on the same date the obligor is compensated."

D.C. Law 15-205, in subsec. (b), substituted "Court" for "Collection and Disbursement Unit".

D.C. Law 16-100 rewrote the section, which had read:

"(a) Except as provided in subsection (e) of this section, a holder required to withhold income shall withhold and make payment to the Collection and Disbursement Unit no later than 7 business days after the date the amount would have been paid or credited to the obligor. Thereafter, the holder shall send the required withholding to the Collection and Disbursement Unit on the same date that the obligor is compensated.

"(b) When the holder has received written notice of any legal proceedings challenging the withholding or the judgment or order of support on which it is based, the holder shall continue to withhold the payments from the obligor until receipt of a notice from the Court informing the holder to cease the withholding.

"(c) Any payment made by a holder in conformity with this section shall discharge the liability of the holder to the obligor to the extent of the payment.

"(d) The holder, upon whom a notice of withholding as provided by § 46-211 is served, may deduct and retain from the person's earnings or other income an additional \$2 for each deduction made in accordance with the notice. Where the total amount to be withheld, together with a fee, exceeds the limitations set forth in 15 U.S.C. § 1673(b), the amount of withholding shall be reduced by the holder to conform with the limitations, but the amount of the fee shall not be reduced by reason of the limitations.

"(e) Notwithstanding any other provision of this subchapter, if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

"(1) The employer's fee for processing an income withholding order;

"(2) The maximum amount permitted to be withheld from the obligor's income;

"(3) The time periods within which the employer must implement the income withholding order and forward the support payment;

"(4) The priorities for withholding and allocating income withheld for multiple support obligees; and

"(5) Any withholding terms or conditions not specified in the order."

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(l) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(l) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(l) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(m) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 13. Holder's duty to withhold and make payments.

"(a) Except as provided in subsection (e) of this section, a holder that receives a notice or order to withhold issued in accordance with this act shall withhold the specified amount and make payment to the Collection and Disbursement Unit no later than 7 business days after the date the amount would have been paid or credited to the obligor. The holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued.

"(b) If a holder receives notice of any legal proceeding challenging the withholding or the judgment or order of support on which it is based, the holder shall continue to withhold and submit the payments to the Collection

and Disbursement Unit until the holder receives written notice from the Court or the IV-D agency directing the holder to cease the withholding.

"(c) Any payment made by a holder in conformity with this section shall discharge the liability of the holder to the obligor to the extent of the payment.

"(d) A holder upon whom a notice or order to withhold has been served may deduct and retain from the obligor's earnings or other income an additional \$ 2 for each deduction made in accordance with the notice or order to withhold. Where the total amount to be withheld, together with a fee, exceeds the limitations set forth in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), the holder shall reduce the amount of the withholding to conform with these limitations, but the amount of the fee shall not be reduced by reason of the limitations.

"(e) Notwithstanding any other provision of this act, if a holder receives a notice or order to withhold issued by another state, the holder shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

"(1) The holder's fee for processing the notice or order to withhold;

"(2) The maximum amount permitted to be withheld from the obligor's income;

"(3) The time periods within which the holder must implement the withholding and forward the support payment;

"(4) The priorities for withholding and allocating income withheld for multiple support obligees; and

"(5) Any withholding terms or conditions not specified in the notice or order to withhold."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(i) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 7(l) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(l) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(l) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(l) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(l) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(l) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(l) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(l) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(l) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(j) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(j) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(m) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(m) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

## **§ 46-213. JUDGMENT AGAINST HOLDER FOR FAILURE TO COMPLY.**

(a) If a holder fails to withhold support from earnings or other income, or fails to pay the support to the Collection and Disbursement Unit in accordance with this subchapter, judgment shall be entered against the holder for any amount not withheld or paid to the Collection and Disbursement Unit and for any reasonable counsel fees and court costs incurred by the obligor, obligee, caretaker, custodian, the Mayor, or their representative as a result of this failure to withhold or make payment.

(b) Subsection (a) of this section shall not apply where the holder proves, by a preponderance of the evidence, that the failure to withhold or make payment was due to exigent circumstances beyond the holder's control.

(Feb. 24, 1987, D.C. Law 6-166, § 14, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(m), 48 DCR 1270; May 12, 2006, D.C. Law 16-100, § 3(m), 53 DCR 1886.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 30-513.

#### *Effect of Amendments*

D.C. Law 13-269 rewrote subsec. (a) which had read:

"(a) Except as provided in subsection (b) of this section, if a holder fails to withhold earnings or other income in accordance with this chapter, judgment shall be entered against the holder for any amount not withheld and for any reasonable counsel fees and Court costs incurred by the obligor, caretaker, custodian, or their representative."

D.C. Law 16-100, in subsec. (a), substituted "earnings or other income" for "income or other earnings", substituted "obligor, obligee," for "obligor," and deleted "responsible relative," following "custodian"; and in subsec. (b), substituted "failure to withhold or make payment" for "failure to withhold".

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 107(m) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(m) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(n) of D.C. Law 16-42, in subsec. (a), substituted "earnings or other income" for "income or other earnings", substituted "obligor, obligee," for "obligor," and deleted "responsible relative,"; and in subsec. (b), substituted "failure to withhold or make payment" for "failure to withhold".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90-day) amendment of section, see § 107(m) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(m) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(m) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(m) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(m) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3(n) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(n) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 16-100, see notes following § 46-201.

## **§ 46-214. TERMINATION OF WITHHOLDING.**

(a) Withholding shall terminate:

- (1) When the support obligation has been terminated and the total arrearage has been satisfied;
- (2) When the holder, by reason of termination of employment or other reason, no longer holds earnings or other income payable to the obligor;
- (3) When the payee has failed to give notice to the Court and the IV-D agency of a change of address as required by § 46-226.02, and the holder receives written notice from the Court or the IV-D agency that withholding is no longer required; or
- (4) When the holder receives written notice from the Court or the IV-D agency that withholding is no longer required based on information received from another jurisdiction.

(b) The Court shall provide the IV-D agency with a copy of each notice of termination it issues to a holder within 2 business days after issuance.

(c) If, because of the failure of a payee to give notice to the Court and the IV-D agency of a change in address as required by § 46-226.02, the Collection and Disbursement Unit is unable, for a 3-month period, to deliver payments received pursuant to a notice or order to withhold, the IV-D agency shall send written notice to the holder to cease the withholding. The Collection and Disbursement Unit shall prorate and apply the undeliverable payments to satisfy amounts the obligor owes under other support orders, and shall prioritize these payments in accordance with § 46-217. If the obligor does not owe support under an additional support order, the Collection and Disbursement Unit shall apply the payments to any fees or debts owed to the IV-D agency and return the balance of the undeliverable payments, if any, to the obligor.

(Feb. 24, 1987, D.C. Law 6-166, § 15, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(n), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(k), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(n), 53 DCR 1886.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 30-514.

*Effect of Amendments*

D.C. Law 13-269 substituted "Collection and Disbursement Unit" for "Court" throughout the section.

D.C. Law 15-205, in pars. (3) and (4) of subsec. (a), and in subsections. (b) and (c), substituted "Court" for "Collection and Disbursement Unit".

D.C. Law 16-100 rewrote the section, which had read:

"(a) Withholding shall terminate:

"(1) When the support obligation has been terminated and the total arrearage has been satisfied;

"(2) When the holder, by reason of termination of employment or other reason, no longer holds earnings or other income payable to the obligor;

"(3) When the payee has failed to give notice to the Court of a change of address as required by subsections (b) and (c) of this section; or

"(4) When the foreign jurisdiction gives notice to the Court that withholding is no longer required.

"(b) If the address of a payee changes, the payee, within a reasonable time, shall notify the Court.

"(c) If, because of the failure of a payee to give notice under this section, the Court is unable, for a 3-month period, to deliver payments owed pursuant to the withholding order, the Court shall return each undeliverable payment to the obligor and inform the holder to cease the withholding."

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(m) of Child Support and Welfare Reform

Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(n) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(n) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(o) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 15. Termination of withholding.

"(a) Withholding shall terminate:

"(1) When the support obligation has been terminated and the total arrearage has been satisfied;

"(2) When the holder, by reason of termination of employment or other reason, no longer holds earnings or other income payable to the obligor;

"(3) When the payee has failed to give notice to the Court and the IV-D agency of a change of address as required by section 27b, and the holder receives written notice from the Court or the IV-D agency that withholding is no longer required; or

"(4) When the holder receives written notice from the Court or the IV-D agency that withholding is no longer required based on information received from another jurisdiction.

"(b) The Court shall provide the IV-D agency with a copy of each notice of termination it issues to a holder within 2 business days after issuance.

"(c) If, because of the failure of a payee to give notice to the Court and the IV-D agency of a change in address as required by section 27b, the Collection and Disbursement Unit is unable, for a 3-month period, to deliver payments received pursuant to a notice or order to withhold, the IV-D agency shall send written notice to the holder to cease the withholding. The Collection and Disbursement Unit shall prorate and apply the undeliverable payments to satisfy amounts the obligor owes under other support orders, and shall prioritize these payments in accordance with section 18. If the obligor does not owe support under an additional support order, the Collection and Disbursement Unit shall apply the payments to any fees or debts owed to the IV-D agency and return the balance of the undeliverable payments, if any, to the obligor."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(m) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(m) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(m) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(m) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(n) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(n) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(n) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(n) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(n) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(k) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(k) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(o) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(o) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

## **§ 46-215. LAPSE OF ORDER OF WITHHOLDING.**

An order to withhold issued by the IV-D agency or other appropriate agency upon a judgment or order for support and issued within 12 years from the date of the judgment or order shall not lapse or become invalid before complete satisfaction solely by reason of the expiration of the period of limitation set forth in § 15-101.

(Feb. 24, 1987, D.C. Law 6-166, § 16, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(o), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(l), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(o), 53 DCR 1886.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 30-515.

*Effect of Amendments*

D.C. Law 13-269 substituted "Collection and Disbursement Unit" for "Court".

D.C. Law 15-205 substituted "Court" for "Collection and Disbursement Unit".

D.C. Law 16-100 substituted "to withhold issued by the IV-D agency" for "of withholding issued by the Court".

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(n) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(o) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(o) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(p) of D.C. Law 16-42 substituted "to withhold issued by the IV-D agency" for "of withholding issued by the Court".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary amendment of section, see § 7(n) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(n) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(n) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(n) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(o) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(o) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(o) of the Child Support and Welfare Reform



Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(o) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(l) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(l) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(p) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(p) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

## **§ 46-216. TERMINATION OF EMPLOYMENT.**

(a) Within 10 days after an employer receives notice that the obligor will terminate employment or within 10 days after the termination, whichever occurs earlier, the employer shall notify the IV-D agency and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

(b) The IV-D agency shall serve an order to withhold on the obligor's new employer within 2 business days after receipt of information regarding the obligor's new place of employment, or within 2 business days after the date information regarding the obligor is entered into the District of Columbia Directory of New Hires pursuant to § 46-226.06, whichever occurs first.

(Feb. 24, 1987, D.C. Law 6-166, § 17, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(p), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(m), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(p), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-516.

##### *Effect of Amendments*

D.C. Law 13-269 substituted "Collection and Disbursement Unit" for "Court" in subsec. (a); and rewrote subsec. (b) which had read:

"(b) Within 20 days of receipt of information regarding the obligor's new place of employment, the Court shall notify the obligor's new employer, in accordance with the requirements of § 46-211, that the withholding is binding on the new employer."

D.C. Law 15-205, in subsecs. (a) and (b), substituted "Court" for "Collection and Disbursement Unit".

D.C. Law 16-100, in subsec. (a), substituted "IV-D agency" for "Court"; and rewrote subsec. (b), which had read as follows:

"(b) Within 2 business days after the receipt of information regarding the obligor's new place of employment or within 2 business days after the date information regarding the obligor is entered into the District of Columbia Directory of New Hires pursuant to § 46-226.06, whichever occurs first, the Court shall notify the obligor's new employer in accordance with the requirements of § 46-211, that the withholding is binding."

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(o) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(p) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(p) of Child Support and Welfare Reform

Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(q) of D.C. Law 16-42, in subsec. (a), substituted "IV-D agency" for "Court"; , and rewrote subsec. (b) to read as follows:

"(b) The IV-D agency shall serve an order to withhold on the obligor's new employer within 2 business days after receipt of information regarding the obligor's new place of employment, or within 2 business days after the date information regarding the obligor is entered into the District of Columbia Directory of New Hires pursuant to section 27f, whichever occurs first."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

Emergency act amendments: For temporary amendment of section, see § 7(o) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(o) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(o) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(o) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(p) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(p) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(p) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(p) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(p) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(m) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(m) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(q) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(q) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

## **§ 46-217. LIMITATIONS AND PRIORITIES.**

(a) When there is more than 1 withholding order against a single obligor under this subchapter, the Collection and Disbursement Unit shall prorate the withholdings for current support among the orders up to the limits of § 303(b) of the Consumer Credit Protection Act (15 U.S.C. § 1673(b)).

(b) If current support payments do not exceed the limits of section 303(b) of the Consumer Credit

Protection Act, the Collection and Disbursement Unit shall prorate payments toward health insurance coverage, medical support, arrearages, and other costs and fees among the orders and prioritize these payments in accordance with § 46-251.08 and applicable federal requirements.

(Feb. 24, 1987, D.C. Law 6-166, § 18, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(q), 48 DCR 1270; May 12, 2006, D.C. Law 16-100, § 3(q), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-517.

##### *Effect of Amendments*

D.C. Law 13-269 substituted "Collection and Disbursement Unit" for "Court" throughout.

D.C. Law 16-100 rewrote subsec. (b), which had read as follows:

"(b) If current support payments do not exceed the limits of § 303(b) of the Consumer Credit Protection Act (15 U.S.C. § 1673(b)), payments toward arrearages shall be prorated by the Collection and Disbursement Unit among the orders."

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(p) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(q) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(q) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(r) of D.C. Law 16-42, rewrote subsec. (b), to read as follows:

"(b) If current support payments do not exceed the limits of section 303(b) of the Consumer Credit Protection Act, the Collection and Disbursement Unit shall prorate payments toward health insurance coverage, medical support, arrearages, and other costs and fees among the orders and prioritize these payments in accordance with section 108 of the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; D.C. Official Code § 46-251.08), and applicable federal requirements."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

##### *Emergency Act Amendments*

For temporary amendment of section, see § 7(p) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(p) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(p) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(p) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(q) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(q) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(q) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(q) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(q) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3(r) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(r) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 16-100, see notes following § 46-201.

## **§ 46-218. VOLUNTARY INCOME WITHHOLDING.**

(a) An obligor may obtain voluntary income withholding by filing with the IV-D agency a request for withholding and, if the support order is from another jurisdiction, a certified copy of the support order.

(b) Upon receipt of a request under subsection (a) of this section, the IV-D agency shall serve an order to withhold on the holder specified in the obligor's request. Payments shall be made through the Collection and Disbursement Unit.

(Feb. 24, 1987, D.C. Law 6-166, § 19, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(r), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(n), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(r), 53 DCR 1886.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 30-518.

#### *Effect of Amendments*

D.C. Law 13-269 substituted "Collection and Disbursement Unit" for "Court" throughout.

D.C. Law 15-205, in subsecs. (a) and (b), substituted "Court" for "Collection and Disbursement Unit".

D.C. Law 16-100 rewrote the section, which had read:

"(a) Any person who is the obligor on a support order of this jurisdiction or another jurisdiction may obtain voluntary income withholding by filing with the Court a request for withholding and a certified copy of the support order if the order is from another jurisdiction.

"(b) Upon receipt of a request under subsection (a) of this section and appropriate documentation, the Court shall issue a notice to the holder pursuant to § 46-211. Payment shall be made through the Court."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(q) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(r) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(r) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(s) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 19. Voluntary income withholding.

"(a) An obligor may obtain voluntary income withholding by filing with the IV-D agency a request for withholding and, if the support order is from another jurisdiction, a certified copy of the support order.

"(b) Upon receipt of a request under subsection (a) of this section, the IV-D agency shall serve an order to withhold on the holder specified in the obligor's request. Payments shall be made through the Collection and Disbursement Unit."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(q) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(q) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(q) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(q) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(r) of the Child Support and Welfare Reform

Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(r) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(r) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(r) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(r) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(n) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(n) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(s) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(s) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

### **§ 46-219. NO DISCRIMINATION IN EMPLOYMENT FOR WITHHOLDING.**

(a) No employer shall discharge, refuse to employ, take disciplinary action, or otherwise discriminate against any obligor for the reason that a party has subjected or attempted to subject unpaid earnings of the obligor to withholding or like proceedings for the purposes of paying support.

(b) There shall be a rebuttable presumption that any employer who engages in conduct described in subsection (a) of this section, within 90 days from the date of receipt of a notice or order to withhold, is in violation of this subchapter and may be subject to the sanctions in subsection (c) of this section.

(c) Any employer who engages in conduct described in subsection (a) of this section shall be subject to a civil penalty of up to \$10,000.

(d) Any civil penalty obtained under subsection (c) of this section shall be used to offset the obligor's duty of support.

(Feb. 24, 1987, D.C. Law 6-166, § 20, 33 DCR 6710; May 12, 2006, D.C. Law 16-100, § 3(s), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-519.

##### *Effect of Amendments*

D.C. Law 16-100, in subsec. (a), deleted "employee or" preceding "obligor" and substituted "purposes of paying" for "purposes of paying child"; in subsec. (b), substituted "a notice or order to withhold," for "the notice to the holder pursuant to § 46-211, "; and in subsec. (d), substituted "duty of" for "duty of child".

##### *Temporary Amendments of Section*

Section 3(t) of D.C. Law 16-42, in subsec. (a), deleted "employee or", and deleted "child" after "purposes of paying"; in subsec. (b), substituted "a notice or order to withhold," for "the notice to the holder pursuant to section 12, "; and in subsec. (d) deleted "child" after "duty of".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(t) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(t) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For Law 16-100, see notes following § 46-201.

## **§ 46-220. PAYMENTS BY EMPLOYER WHERE EMPLOYEE HAS NO SALARY OR SALARY INADEQUATE FOR SERVICES RENDERED.**

Where the obligor claims to be rendering services without salary or compensation, or at a salary or compensation so inadequate as to satisfy the Court that the salary or compensation is merely colorable and designed to defraud or impede withholding, the Court may direct the employer to make payments to satisfy the withholding in installments, based upon a reasonable value of the services rendered by the obligor under this employment or upon the obligor's current earnings ability.

(Feb. 24, 1987, D.C. Law 6-166, § 21, 33 DCR 6710; May 12, 2006, D.C. Law 16-100, § 3(t), 53 DCR 1886.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 30-520.

*Effect of Amendments*

D.C. Law 16-100 substituted "satisfy the withholding" for "satisfy the withholding order".

*Temporary Amendments of Section*

Section 3(u) of D.C. Law 16-42 deleted "order" following "satisfy the withholding".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(u) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(u) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For Law 16-100, see notes following § 46-201.

## **§ 46-221. QUASHING WITHHOLDING WHERE JUDGMENT OBTAINED TO HINDER JUST CLAIMS.**

Where a notice or order to withhold issued under this subchapter is based upon a judgment obtained by default or consent without a trial upon the merits, the Court, upon motion of an interested person, may quash the withholding upon satisfactory proof that the judgment was obtained without just cause and solely for the purpose of preventing or delaying the satisfaction of just claims.

(Feb. 24, 1987, D.C. Law 6-166, § 22, 33 DCR 6710; May 12, 2006, D.C. Law 16-100, § 3(u), 53 DCR 1886.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 30-521.

*Effect of Amendments*

D.C. Law 16-100 substituted "notice or order to withhold" for "notice of withholding".

*Temporary Amendments of Section*

Section 3(v) of D.C. Law 16-42 substituted "notice or order to withhold" for "notice of withholding".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(v) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(v) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For Law 16-100, see notes following § 46-201.

## **§ 46-222. INTERSTATE WITHHOLDING.**

(a) Upon receipt of notice from another state that withholding is required to enforce a support order, including all documents and information necessary to carry out the withholding, the IV-D agency shall implement the withholding in accordance with § 46-207.01.

(b) If the IV-D agency determines that the obligor is no longer employed in the District of Columbia, the IV-D agency shall provide the initiating jurisdiction with the name and address of the obligor and the obligor's new employer, if known.

(c) The IV-D agency, upon receiving a certified copy of a modification of a support order entered or registered in the District of Columbia, shall initiate necessary procedures to amend or modify a withholding that is based on the support order that has been modified.

(Feb. 24, 1987, D.C. Law 6-166, § 23, 33 DCR 6710; Apr. 30, 1988, D.C. Law 7-104, § 23, 35 DCR 147; Apr. 9, 1997, D.C. Law 11-170, § 2(e), 43 DCR 4480; Apr. 3, 2001, D.C. Law 13-269, § 108(s), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(o), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(v), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-522.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"§ 46-222. Interstate withholding; procedure for entering a support order of another jurisdiction for withholding.

"(a) Upon receiving a support order of another jurisdiction from an appropriate agency of the other jurisdiction, with the documentation specified in subsection (c) of this section, the following shall take place:

"(1) The Clerk of the Family Division of the Court shall accept the documents filed and enter the support order upon the docket and that entry shall constitute acceptance of the support order under this chapter;

"(2) The Clerk of the Court shall process withholding under this chapter; and

"(3) The Clerk of the Court shall issue a notice to withhold pursuant to § 46-211 and, within 15 calendar days of locating the obligor or the holder, the Clerk of the Court shall issue a notice of intent to withhold pursuant to § 46-209, which shall include the following:

"(A) A statement that, if contested, a support order entered pursuant to this section and the accompanying sworn or certified statement shall constitute prima facie proof, without further proof of foundation, that the support order is valid, that the amount of current support payments and arrearages is as stated, and that the payee would be entitled to withholding under the law of the jurisdiction that issued the support order;

"(B) A statement that, once a prima facie case has been established, the obligor may raise, in addition to those rights available under this section, only matters that would be available to him as defenses in an action to enforce a foreign money judgment; and

"(C) A statement that, if the obligor shows to the Court that an appeal from the order is pending, will be taken, or that a stay of execution has been granted, the Court may stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the defendant has furnished security for payment of the support ordered as required by the initiating jurisdiction.

"(b) Any stay granted as referred to in subsection (a)(3)(C) of this section shall also stay the time limitations for rendering a decision on withholding pursuant to §§ 46-216(b) and 46-210(b).

"(c) The following documentation is required for the entry of a support order of another jurisdiction:

"(1) A certified copy of the support order with all modifications;

"(2) A certified copy of any income withholding order or notice still in effect;

"(3) A copy of the portion of the income withholding statute of the jurisdiction that issued the support order, which states the requirements for obtaining income withholding under the law of the jurisdiction;

"(4) A sworn statement of the obligee or certified statement of the agency of the arrearages, if any; and

"(5) A statement of:

"(A) The name, address, and social security number of the obligor, if known;

"(B) The name and address of the obligor's employer in this jurisdiction or of any other source of earnings or other income of the obligor derived in the District against which income withholding is sought; and

"(C) The name and address of the agency or person to whom support payments collected by income withholding shall be transmitted.

"(d) If the documentation received by the Court pursuant to subsection (a) of this section does not conform to the requirements of subsection (c) of this section, the Court shall remedy any defect that it can without the assistance of the requesting agency or person. If the Court is unable to make the corrections, the requesting agency or person shall be notified of the necessary additions or corrections. If required by the initiating jurisdiction, the Clerk of the Court shall provide the information necessary to carry out the withholding within 30 calendar days of receipt of the initiating jurisdiction's request for information. The Court shall accept the documentation required by subsections (a) and (c) of this section even if it is not in the usual form required by state or local rules, so long as the substantive requirements of these subsections are met.

"(e) If the earnings or other income of the obligor is not derived in the District, the Court shall notify the initiating jurisdiction that no action will be taken.

"(f) Entry of the order shall not confer jurisdiction on the Court for any purpose other than withholding of earnings or other income.

"(g) The Court, upon receiving a certified copy of any amendment or modification to a support order entered, shall initiate, as though it was a support order of this jurisdiction, necessary procedures to amend or modify the income withholding order or notice of jurisdiction that was based upon the entered support order.

"(h) If the Court determines that the obligor has obtained employment or has a new or additional source of income in another jurisdiction, it shall notify the agency that requested the income withholding of the changes within 20 working days of receiving the information and shall forward to that agency all information it has or can obtain with respect to the obligor's new address and the name and address of the obligor's new employer or other source of income. The Court shall include with the notice a certified copy of any income withholding order in effect in this jurisdiction."

D.C. Law 15-205, in subsecs. (a), (b), and (c), substituted "Court" for "Collection and Disbursement Unit".

D.C. Law 16-100 rewrote the section, which had read:

"(a) For any support order entered in another jurisdiction and subject to withholding pursuant to § 46-207(c) or Chapter 3 of this title, the Court shall implement the withholding upon receipt of notice from the initiating jurisdiction, including all information necessary to carry out the withholding, and, if necessary, provide the initiating jurisdiction with all information necessary to carry out the withholding within 30 calendar days of receiving a request for the information from the initiating jurisdiction.

"(b) The Court or the IV-D agency shall notify the initiating jurisdiction if it determines that the obligor is no longer employed in the District of Columbia and shall provide to the initiating jurisdiction the name and address of the obligor and the obligor's new employer, if known.

"(c) The Court, upon receiving a certified copy of any modification of a support order entered or registered in the District of Columbia, shall initiate necessary procedures to amend or modify the withholding order that was based on the order that has been modified."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(e) of Child Support Enforcement Temporary Amendment Act of 1995 (D.C. Law 11-47, September 20, 1995, law notification 42 DCR 5506).

For temporary (225 day) amendment of section, see § 2(e) of Child Support Enforcement Temporary Amendment Act of 1996 (D.C. Law 11-148, May 20, 1996, law notification 43 DCR 4353).

For temporary (225 day) amendment of section, see § 7(r) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(s) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(s) of Child Support and Welfare Reform



Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(w) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 23. Interstate withholding.

"(a) Upon receipt of notice from another state that withholding is required to enforce a support order, including all documents and information necessary to carry out the withholding, the IV-D agency shall implement the withholding in accordance with section 8a.

"(b) If the IV-D agency determines that the obligor is no longer employed in the District of Columbia, the IV-D agency shall provide the initiating jurisdiction with the name and address of the obligor and the obligor's new employer, if known.

"(c) The IV-D agency, upon receiving a certified copy of a modification of a support order entered or registered in the District of Columbia, shall initiate necessary procedures to amend or modify a withholding that is based on the support order that has been modified."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 2(e) of the Child Support Enforcement Emergency Amendment Act of 1996 (D.C. Act 11-304, July 31, 1996, 43 DCR 4474), and see § 2(e) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-31, March 11, 1997, 44 DCR 1904).

For temporary amendment of section, see § 7(r) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(r) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(r) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(r) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(s) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(s) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(s) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(s) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(s) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(o) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(o) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(w) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(w) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

Law 7-104 was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on Nov. 24, 1987 and DeC. 8, 1987, respectively. Signed by the Mayor on DeC. 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 11-170, see Historical and Statutory Notes following § 46-205.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

## **§ 46-223. INITIATION OF WITHHOLDING IN OTHER JURISDICTIONS.**

(a) When an obligor under a support order derives income in another jurisdiction, the IV-D agency, the Court, or any other appropriate person or entity may serve a notice or order to withhold on a holder in the jurisdiction where the obligor receives income.

(b) In any case being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), where the IV-D agency determines that the obligor derives income in another jurisdiction and that interstate withholding is necessary to enforce the support order, the IV-D agency shall, within 20 days of this determination, notify the IV-D agency in the jurisdiction in which the obligor derives income to implement interstate withholding. The notice shall include all information necessary to carry out the withholding, including:

- (1) The amount requested to be withheld;
- (2) A copy of the support order with all modifications; and
- (3) A statement of arrears, if appropriate.

(Feb. 24, 1987, D.C. Law 6-166, § 24, 33 DCR 6710; Apr. 9, 1997, D.C. Law 11-170, § 2(f), 43 DCR 4480; Apr. 3, 2001, D.C. Law 13-269, § 108(t), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(p), 51 DCR 8441; May 12, 2006, D.C. Law 16-100, § 3(w), 53 DCR 1886.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 30-523.

#### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"(a) Where an obligor under an order of support as described in § 46-207 derives income in another jurisdiction, any caretaker, custodian, responsible relative, or the Mayor may file an application requesting the Clerk of the Court to request the appropriate agency in the other jurisdiction to issue a notice or order to withhold that income.

"(b) Within 20 calendar days of a determination that a withholding is required in a particular case and receipt of information necessary to carry out the withholding, the Clerk of the Court shall notify the IV-D agency in the jurisdiction in which the obligor is employed to implement interstate withholding. The notice shall include all information necessary to carry out the withholding, including:

- "(1) The amount requested to be withheld;
- "(2) A certified copy of the support order with all modifications;
- "(3) A certified copy of any income withholding order or notice still in effect; and
- "(4) If appropriate, a sworn statement of the obligee or certified statement of the IV-D agency of the arrearages."

D.C. Law 15-205, in subsec. (a), substituted "Court" for "Collection and Disbursement Unit"; and, in subsec. (b), substituted "IV-D agency" for "Collection and Disbursement Unit".

D.C. Law 16-100 rewrote the section, which had read:

"(a) When an obligor under a support order derives income in another jurisdiction, any caretaker, custodian, responsible relative, or the Mayor may request the Court to initiate withholding with the employer or holder in the jurisdiction where the obligor receives income.

"(b) Within 20 calendar days of a determination that a withholding is required in a particular case and receipt of information necessary to carry out the withholding, the IV-D agency shall notify the IV-D agency in the jurisdiction in which the obligor is employed to implement interstate withholding. The notice shall include all information necessary to carry out the withholding, including:

- "(1) The amount requested to be withheld;
- "(2) A copy of the support order with all modifications;
- "(3) A statement of arrears, if appropriate; and
- "(4) Repealed."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(f) of Child Support Enforcement Temporary

Amendment Act of 1995 (D.C. Law 11-47, September 20, 1995, law notification 42 DCR 5506).

For temporary (225 day) amendment of section, see § 2(f) of Child Support Enforcement Temporary Amendment Act of 1996 (D.C. Law 11-148, May 20, 1996, law notification 43 DCR 4353).

For temporary (225 day) amendment of section, see § 7(s) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(t) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(t) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(x) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 24. Initiation of withholding in other jurisdictions.

"(a) When an obligor under a support order derives income in another jurisdiction, the IV-D agency, the Court, or any other appropriate person or entity may serve a notice or order to withhold on a holder in the jurisdiction where the obligor receives income.

"(b) In any case being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C.S. § 651 *et seq.*), where the IV-D agency determines that the obligor derives income in another jurisdiction and that interstate withholding is necessary to enforce the support order, the IV-D agency shall, within 20 days of this determination, notify the IV-D agency in the jurisdiction in which the obligor derives income to implement interstate withholding. The notice shall include all information necessary to carry out the withholding, including:

"(1) The amount requested to be withheld;

"(2) A copy of the support order with all modifications; and

"(3) A statement of arrears, if appropriate."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(s) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(s) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(s) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(s) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary amendment of section, see § 2(f) of the Child Support Enforcement Emergency Amendment Act of 1996 (D.C. Act 11-250, April 15, 1996, 43 DCR 2131), § 2(f) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-304, July 31, 1996, 43 DCR 4474), and § 2(f) of the Child Support Enforcement Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-31, March 11, 1997, 44 DCR 1904).

For temporary (90-day) amendment of section, see § 107(t) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(t) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(t) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(t) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(t) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(p) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(p) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(x) of Income Withholding Transfer and Revision

Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(x) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For legislative history of D.C. Law 11-170, see Historical and Statutory Notes following § 46-205.

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 16-100, see notes following § 46-201.

#### *Delegation of Authority*

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

### **§ 46-224. ENFORCEMENT OF ORDERS BY MEANS OTHER THAN INCOME WITHHOLDING.**

(a) A lien is created by operation of law against the real and personal property of an obligor subject to a support order who resides or owns property in the District for amounts of overdue support, as defined by section 466(e) of the Social Security Act, approved August 16, 1984 (98 Stat. 1310; 42 U.S.C. § 666(e)), that are owed by the obligor. In addition to withholding of earnings or other income, this lien shall be separate from and in addition to any other lien created by or provided for under law. The IV-D agency or the custodian to whom support is payable shall have the priority of a secured creditor.

(b) The lien shall be enforceable from the date the lien is filed and recorded in the Office of the Recorder of Deeds of the District of Columbia. A lien may be enforced by the IV-D agency or the custodian to whom support is payable. This remedy does not affect the availability of other remedies provided by law.

(c) If a lien has been filed in accordance with subsection (b) of this section, and a person having notice of the lien possesses nonexempt personal property of the obligor that may be subject to the lien, the property may not be paid over, released, sold, transferred, encumbered, or conveyed unless:

(1) A release of lien is signed by the party who filed the lien; or

(2) A court, after notice to the claimant and hearing, has ordered the release of the lien because arrearages do not exist.

(d) The District shall accord full faith and credit to liens described in subsection (b) of this section that arise in another state, if the other state's IV-D agency, a party to a support action, or other entity seeking to enforce such a lien complies with the procedural rules relating to recording or serving liens that arise in the District, except that judicial notice or hearing prior to enforcement of the lien shall not be required.

(Feb. 24, 1987, D.C. Law 6-166, § 25, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(u), 48 DCR 1270; May 12, 2006, D.C. Law 16-100, § 3(x), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-524.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"(a) A lien may be asserted by the Mayor or the custodian to whom support is payable upon the real and personal property of the responsible relative. In addition to withholding of earnings or other income, this lien shall be separate from and in addition to any other lien created by or provided for under law. The District or the custodian to whom support is payable shall have the priority of a secured creditor.

"(b) An action to collect subrogated or assigned support by lien and foreclosure, distraint, seizure and sale, or an order to withhold and deliver shall be lawful on the date the order is issued."

D.C. Law 16-100, in par. (c), substituted "subsection (b)" for "subsection (a)".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(t) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(u) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR

1979).

For temporary (225 day) amendment of section, see § 107(u) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(y) of D.C. Law 16-42, in subsec. (c), substituted "subsection (b)" for "subsection (a)".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(t) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(t) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(t) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(t) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 7(k) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary (90-day) amendment of section, see § 107(u) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(u) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(u) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(u) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(u) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3(y) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(y) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 16-100, see notes following § 46-201.

#### *Delegation of Authority*

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

### **§ 46-224.01. INTERCEPTION OF LOTTERY PRIZES FOR DELINQUENT CHILD SUPPORT PAYMENTS.**

(a) In the case of orders being enforced by the IV-D agency, the Mayor may intercept a lottery prize winning, including a lump sum or periodic payment that is derived from a previously claimed prize, of an individual who owes delinquent support, as defined in section 466(e) of the Social Security Act, approved August 16, 1984 (98 Stat. 1310; 42 U.S.C. § 666(e)).

(b) Prior to interception of an individual's lottery prize winnings, the Mayor shall provide notice to the lottery prize winner of the pending interception of the lottery prize winnings and of the opportunity to contest the interception of the lottery prize winnings.

(Feb. 24, 1987, D.C. Law 6-166, § 25a, as added July 25, 1990, D.C. Law 8-150, § 4(e), 37 DCR 3720; Feb. 5, 1994, D.C. Law 10-68, § 28(a), 40 DCR 6311; Apr. 3, 2001, D.C. Law 13-269, § 108(v), 48 DCR 1270.)

*Prior Codifications*

1981 Ed., § 30-524.1.

*Effect of Amendments*

D.C. Law 13-269 rewrote subsec. (a) which had read:

"(a) In the case of orders being enforced by the IV-D agency, the Mayor may intercept a lottery prize winning of an individual who owes delinquent support, as defined in § 466(e) of the Social Security Act, approved August 16, 1984 (98 Stat. 1310; 42 U.S.C. 666(e))."

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(u) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(v) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(v) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

*Emergency Act Amendments*

For temporary amendment of section, see § 7(u) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(u) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(u) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(u) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(v) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(v) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(v) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(v) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(v) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

*Legislative History of Laws*

Law 8-150 was introduced in Council and assigned Bill No. 8-461, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 1, 1990, and May 15, 1990, respectively. Signed by the Mayor on May 30, 1990, it was assigned Act No. 8-208 and transmitted to both Houses of Congress for its review.

D.C. Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

For D.C. Law 13-269, see notes following § 46-201.

## **§ 46-224.02. PARENT LOCATOR SERVICE.**

(a) The IV-D agency is established as the District's centralized Parent Locator Service to locate parents of children in need of support.

(b) An officer or employee of the District shall cooperate with the IV-D agency to determine the location of a parent who is not supporting his or her child. The officer or employee shall provide any pertinent

information that relates to the location, income, or property of a parent, notwithstanding any District statute, ordinance, or rule that makes the information confidential.

(c) A company, corporation, partnership, association, union, organization, or entity doing business in the District shall provide the IV-D agency with the following available information, if the IV-D agency certifies that the information shall be used to locate a parent of a child in need of support and that the information obtained will be treated as confidential by the IV-D agency unless the parent's name is published or reported to a consumer credit reporting agency pursuant to § 46-225:

- (1) Full name of the parent;
- (2) Name and address of the parent's employer;
- (3) Social security number of the parent;
- (4) Date of birth of the parent;
- (5) Home address of the parent;
- (6) Amount of wages earned by the parent; and
- (7) Number of dependents claimed by the parent on state and federal income withholding forms.

(d) A person may not knowingly refuse to give the IV-D agency information that will assist the IV-D agency in locating the parent of a child.

(e) A person who knowingly refuses to provide information or provides false information that has been requested pursuant to subsection (c) of this section, upon conviction, shall be imprisoned for not more than 3 months, fined not more than \$1,000, or both.

(Feb. 24, 1987, D.C. Law 6-166, § 25b, as added July 25, 1990, D.C. Law 8-150, § 4(e), 37 DCR 3720; Feb. 5, 1994, D.C. Law 10-68, § 28(b), 40 DCR 6311; May 12, 2006, D.C. Law 16-100, § 3(y), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-524.2.

##### *Effect of Amendments*

D.C. Law 16-100 rewrote the section, which had read:

"(a) A Parent Locator Division ('Division') is established within the Office of Paternity and Child Support Enforcement of the Department of Human Services to maintain a parent locator service to locate a parent of a child in need of child support.

"(b) Any officer or employee of the District shall cooperate with the Division to determine the location of a parent who is not supporting his or her child. The officer or employee shall provide any pertinent information that relates to the location, income, or property of a parent, notwithstanding any District statute, ordinance, or rule that makes the information confidential.

"(c) Any company, corporation, partnership, association, union, or organization doing business in the District shall provide the Division with the following available information, if the Division certifies that the information shall be used to locate a parent of a child in need of support and that the information obtained will be treated as confidential by the Division unless the parent's name is published for child support arrearages pursuant to § 46-225:

- "(1) Full name of parent;
- "(2) Name and address of parent's employer;
- "(3) Social security number of parent;
- "(4) Date of birth of parent;
- "(5) Home address of parent;
- "(6) Amount of wages earned by parent; and
- "(7) Number of dependents claimed by parent on state and federal income withholding forms.

"(d) A person may not knowingly refuse to give the parent locator service information that will assist the parent locator service in locating the parent of a child.

"(e) Any person who knowingly refuses to provide information or provides false information that has been requested pursuant to subsection (c) of this section, upon conviction, shall be imprisoned for not more than 3 months, fined not more than \$1,000, or both."

##### *Temporary Amendments of Section*

Section 3(z) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 25b. Parent locator service.

"(a) The IV-D agency is established as the District's centralized Parent Locator Service to locate parents of children in need of support.

"(b) An officer or employee of the District shall cooperate with the IV-D agency to determine the location of a parent who is not supporting his or her child. The officer or employee shall provide any pertinent information that relates to the location, income, or property of a parent, notwithstanding any District statute, ordinance, or rule that makes the information confidential.

"(c) A company, corporation, partnership, association, union, organization, or entity doing business in the District shall provide the IV-D agency with the following available information, if the IV-D agency certifies that the information shall be used to locate a parent of a child in need of support and that the information obtained will be treated as confidential by the IV-D agency unless the parent's name is published or reported to a consumer credit reporting agency pursuant to section 26:

"(1) Full name of the parent;

"(2) Name and address of the parent's employer;

"(3) Social security number of the parent;

"(4) Date of birth of the parent;

"(5) Home address of the parent;

"(6) Amount of wages earned by the parent; and

"(7) Number of dependents claimed by the parent on state and federal income withholding forms.

"(d) A person may not knowingly refuse to give the IV-D agency information that will assist the IV-D agency in locating the parent of a child.

"(e) A person who knowingly refuses to provide information or provides false information that has been requested pursuant to subsection (c) of this section, upon conviction, shall be imprisoned for not more than 3 months, fined not more than \$1,000, or both."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(z) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(z) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 8-150, see Historical and Statutory Notes following § 46-224.01.

For legislative history of D.C. Law 10-68, see Historical and Statutory Notes following § 46-224.01.

For Law 16-100, see notes following § 46-201.

## **§ 46-225. REPORTING AND PUBLICATION OF DELINQUENT ACCOUNTS.**

(a) The IV-D agency shall report to a consumer credit reporting agency, as defined in section 603(f) of the Consumer Credit Protection Act, approved October 26, 1970 (84 Stat. 1129; 15 U.S.C. § 1681a(f)), each support order that was entered, modified, registered, or is being enforced in the District, if the obligor owes overdue support obligations in the amount of \$1,000 or more.

(a-1) The IV-D agency shall develop standards for consumer credit reporting that shall be consistent with credit reporting industry standards and reporting format.

(a-2) A report of a support order shall include, at a minimum, the amount of the obligation, the amount paid, the amount overdue (if any), and the names of the obligor and obligee. The IV-D agency shall update this information on at least a quarterly basis.

(b) The IV-D agency may publish information about an obligor whose support payments are more than \$2,000 in arrears, including the obligor's name, last known address, amount of overdue support, occupation, photograph, and physical description, and the names and ages of the individuals on behalf of whom support is owed. The publication may be made by disseminating the information using any media, or by any other means reasonably likely to assist in locating the obligor or to bring the obligor's non-payment of support to the attention of the public.

(c) The IV-D agency is responsible for the accuracy of information provided pursuant to this section. The information shall be based upon the data available at the time the information is provided to a consumer credit reporting agency. The IV-D agency and the credit reporting agency shall follow reasonable procedures to ensure accuracy of the information provided. The IV-D agency shall not be liable for any



consequences of the failure of an obligor to contest the accuracy of the information within the time allowed under subsection (d) of this section.

(d) The IV-D agency shall send notice of the publication or initial consumer credit report by first-class mail to the last known address of the obligor at least 30 days before the publication or initial report. The notice shall inform the obligor of the right to contest the accuracy of the information to be released.

(e) The IV-D agency shall provide the obligor with an opportunity to contest in writing the accuracy of the information in a consumer credit report or publication. If the IV-D agency receives a written objection contesting the accuracy of the information, the IV-D agency shall request the credit reporting agency receiving the information to note on the report that the information is being disputed, until the IV-D agency determines the accuracy of the information.

(f) The only grounds for contesting the accuracy of the information in a consumer credit report or publication are errors in the identities of the obligor or obligee, the amount of the support order, the amount of payment or arrears, or any other fact published or reported to the credit reporting agency.

(g) The IV-D agency may enter into a cooperative agreement with another District government agency, the Superior Court, or a private entity to carry out all or part of the functions required of the IV-D agency under this section.

(Feb. 24, 1987, D.C. Law 6-166, § 26, 33 DCR 6710; July 25, 1990, D.C. Law 8-150, § 4(d), 37 DCR 3720; Feb. 13, 1996, D.C. Law 11-87, § 3(a), 42 DCR 6767; Apr. 3, 2001, D.C. Law 13-269, § 108(w), 48 DCR 1270.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-525.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"(a) Upon request by an individual who is owed overdue support or a consumer reporting agency, as defined in 15 U.S.C. § 1681a(f), the Mayor shall make available information regarding an amount of overdue support as defined in 42 U.S.C. § 666(e), if the amount of overdue support is greater than \$1,000.

"(b) The Mayor may publish the name, last known address, and amount of overdue child support of an obligor, if the obligor's child support payments are more than \$2,000 in arrears. The publication shall be in at least 2 daily and 2 weekly newspapers published and circulated generally in the District of Columbia.

"(c) The Mayor shall notify the obligor of the proposed action and of the obligor's right to contest the accuracy of the information to be released. The Mayor shall provide the obligor with an opportunity to contest the accuracy of the information."

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(v) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(w) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(w) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary amendment of section, see § 7(l) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 7(v) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(v) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(v) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(v) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(w) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(w) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(w) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(w) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(w) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For legislative history of D.C. Law 8-150, see Historical and Statutory Notes following § 46-224.01.

For legislative history of D.C. Law 11-87, see Historical and Statutory Notes following § 46-225.01.

For D.C. Law 13-269, see notes following § 46-201.

#### *Delegation of Authority*

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

### **§ 46-225.01. SANCTIONS.**

(a) Notwithstanding any other law or regulation, no car registration or driver's license shall be renewed or issued to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support. Notwithstanding any other law or regulation, a car registration or driver's license that has been issued to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments shall be suspended.

(b) Notwithstanding any other law or regulation, no professional, business, recreational, or sporting license shall be renewed or issued in the District to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments. Notwithstanding any other law or regulation, a professional, business, or recreational or sporting license that has been issued to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments, shall be suspended.

(b-1) As used in this section, the terms "professional license" and "business license" include any approval, certificate, registration, permit, statutory exemption, or other form of permission to practice a profession or trade, or to operate a business, as granted by a commission, agency, or a professional licensing body of the government of the District of Columbia. The terms "recreational license" and "sporting license" include any approval, certificate, registration, permit, statutory exemption, or other form of permission to hunt, fish, use playing fields, participate in an athletic league, operate a boat or other recreational vehicle for a nonbusiness purpose, or operate or own a weapon for a nonbusiness purpose, as granted by a commission, agency, or a licensing body of the government of the District of Columbia.

(b-2) The obligor shall be entitled to an administrative hearing before the Mayor in accordance with procedures promulgated by the Mayor pursuant to the rulemaking provisions of Chapter 5 of Title 2, before any proposed denial, refusal to renew, or suspension of a license.

(b-3) Upon receipt of a notice from the Mayor that a license is subject to denial, refusal to renew, or suspension, the licensing agency shall, within 30 days, deny, refuse to renew, or suspend the license. The obligor may appeal the final decision of the Mayor to the Superior Court in accordance with the methods and standards of appeal set forth in §§ 2-509 and 2-510.

(c) The Mayor shall provide 30 days written notice to the obligor before denying issuance or renewal, or suspending the car registration or the driver's, professional, business, recreational, or sporting license of an obligor pursuant to this section. The notice shall specify:

- (1) That the obligor has the right to a hearing before the Mayor;
- (2) How, when, and where the notice can be contested;
- (3) The amount owed, if any;
- (4) The date on which the obligor failed to comply with a subpoena or warrant, if applicable, and the

nature of the obligor's noncompliance;

(5) That the licensing authority shall deny issuance or renewal, or suspend the registration or license, 30 days after the issuance of a decision against the obligor by the Mayor following the hearing unless:

(A) An obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support pays the arrearage in full, or the obligor agrees to and complies with a payment schedule that requires the obligor to make monthly child support payments toward the overdue support in an amount equal to 25% of the obligor's current monthly child support obligation for as long as the obligor is receiving income, subject to the limitations of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 146; 15 U.S.C. § 1601 *et seq.*). If the obligor fails to comply with the payment schedule after 30 days, but before the arrears are paid in full, denial or suspension shall take place immediately and without further notice;

(B) An obligor who has failed to comply with a subpoena or warrant related to paternity or child support proceedings, complies with all process required by the Superior Court or IV-D agency for 30 days; or

(C) An obligor who is receiving income, owes at least 60 days of overdue child support, and has failed to comply with a subpoena or warrant related to paternity or child support proceedings complies with both subparagraphs (A) and (B) of this paragraph; and

(6) That the obligor shall not be entitled to an additional hearing or review regarding the denial or suspension of the license.

(d) The Mayor shall provide the obligor with the opportunity to demonstrate why his or her registration or license should not be denied or suspended under this section. The only issues to be determined are as follows:

(1) Whether the person named in the court notice is a licensee or applicant, has his or her car registered in the District of Columbia, and seeks to have a car registration issued or renewed;

(2) Whether the arrearage has been paid in full, or whether a payment schedule has been agreed to and complied with, if the basis for denial or suspension is failure to pay overdue child support;

(3) Whether the obligor is currently receiving income, if the basis for denial or suspension is failure to pay overdue child support;

(3A) Whether the obligor failed to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice; and

(4) Whether the driver's license or car registration or professional, business, recreational, or sporting license, should be suspended, or the issuance or renewal should be denied.

(e) If the Clerk of the Court has notified the Mayor that an obligor has failed to comply with a subpoena or warrant relating to paternity or child support proceedings or that an obligor is receiving income and owes child support in an amount equal to at least 60 days of support, and the obligor presents no evidence under subsection (d) of this section that the obligor has complied with the terms described in subsection (c)(5) of this section, as applicable, the obligor's license or registration shall be suspended, or the request for the issuance or renewal of the license or registration shall be denied.

(f) If the obligor under this subchapter is a member of the District of Columbia Bar, the Clerk of the Court shall send written notice to the Board of Professional Responsibility so that appropriate action may be taken.

(g) No liability shall be imposed on a licensing authority for refusing to renew, refusing to issue, or suspending a registration or license if the action is taken in response to a court or administrative order pursuant to this section.

(Feb. 24, 1987, D.C. Law 6-166, § 26a, as added Feb. 13, 1996, D.C. Law 11-87, § 3(b), 42 DCR 6767; Apr. 3, 2001, D.C. Law 13-269, § 108(x), 48 DCR 1270; Mar. 14, 2007, D.C. Law 16-279, § 208, 54 DCR 903.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-525.1.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"(a) Notwithstanding any other law or regulation, no car registration or driver's license shall be renewed or issued to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support. A car registration or driver's license that has been issued to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments shall be revoked.

"(b) Notwithstanding any other law or regulation, no professional or business license shall be renewed or

issued in the District to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments. A professional or business license that has been issued to an obligor who is receiving income and who owes overdue child support shall be revoked. As used in this subsection, the term 'professional or business license' includes any approval, certificate, registration, permit, statutory exemption, or other form of permission to practice a profession or to operate a business, as granted by a commission or a professional licensing body of the government of the District of Columbia.

"(c) Prior to an act to deny issuance or renewal, or an act to revoke, the car registration, driver's license, or professional or business license of an obligor who is receiving income and who owes overdue child support, the Mayor must provide 30-days written notice to the obligor. The notice shall specify:

"(1) The amount of arrears owed;

"(2) How, when, and where the notice can be contested;

"(3) That the licensing authority will deny issuance or renewal, or revoke the registration or license 30 days after the issuance of the notice unless the arrearage is paid in full, or the obligor agrees to a payment schedule that requires the obligor to make monthly child support payments toward overdue support in an amount equal to 25% of the obligor's current monthly child support obligation as long as the obligor is receiving income; and

"(4) That failure to comply with the agreed to payment schedule shall result in the denial of an issuance or renewal, or a revocation, of the obligor's registration or license.

"(d) The Mayor shall provide the obligor with the opportunity to demonstrate why his or her registration or license should not be denied or revoked under this section. The only issues to be determined are as follows:

"(1) Whether the person named in the court notice is a licensee or applicant, has his or her car registered in the District of Columbia, and seeks to have a car registration issued or renewed;

"(2) Whether the arrearage has been paid in full, or whether a payment schedule has been agreed to and complied with;

"(3) Whether the obligor is currently receiving income; and

"(4) Whether the driver's license or car registration or professional or business license should be revoked, or the issuance or renewal should be denied.

"(e) If the Clerk of the Court has notified the Mayor that an obligor is receiving income and owes overdue child support in an amount equal to at least 60 days of support, and the obligor presents no evidence under subsection (d) of this section that the arrearage has been paid in full, or that a payment schedule has been agreed to and complied with, the obligor's license or registration shall be revoked, or the request for the issuance or renewal of a license or registration shall be denied.

"(f) If the obligor under this chapter is a member of the District of Columbia Bar, the Clerk of the Court shall send written notice to the Board of Professional Responsibility so that appropriate action may be taken."

D.C. Law 16-279, substituted "suspended" for "revoked", "suspend" for "revoke", "suspension" for "revocation", and "suspending" for "revoking", wherever each respective word appeared throughout the section.

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(w) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(x) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(x) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(m) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 7(w) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(w) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(w) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(w) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(x) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(x) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(x) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(x) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(x) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

Law 11-87, the "Child Support Enforcement and Licensing Compliance Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-225, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 10, 1995, and November 7, 1995, respectively. Signed by the Mayor on November 27, 1995, it was assigned Act No. 11-158 and transmitted to both Houses of Congress for its review. D.C. Law 11-87 became effective on February 13, 1996.

For D.C. Law 13-269, see notes following § 46-201.

Law 16-279, the "Department of Motor Vehicles Service and Safety Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-821, which was referred to Committee on Public Works and Environment. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-636 and transmitted to both Houses of Congress for its review. D.C. Law 16-279 became effective on March 14, 2007.

### **§ 46-225.02. CRIMINAL CONTEMPT REMEDY FOR FAILURE TO PAY CHILD SUPPORT.**

(a) The Mayor or a party who has a legal claim to child support may initiate a criminal contempt action for failure to pay the support by filing a motion in the civil action in which the support order was established.

(b)(1) Upon a finding by the Court that an obligor has willfully failed to obey a lawful support order, the Court may:

(A) Commit the obligor to jail for a term not to exceed 180 days;

(B) Order the obligor to participate in a rehabilitative program, if the Court determines that participation would assist the obligor in complying with the support order and access to such program is available;

(C) Order the obligor to accept appropriate available employment or participate in job search and placement activities; or

(D) Place the obligor on probation under such conditions as the Court may determine and in accordance with the provisions of the criminal procedure law.

(2) The Court may direct that an obligor's commitment may be served upon certain specified days or parts of days. The Court may suspend all or part of a sentence and may, at any time within the term of the sentence, revoke the suspension and commit the obligor for the remainder of the original sentence. A period of commitment shall not prevent the Court from committing the obligor for a subsequent failure to comply with a support order.

(3) For the purposes of paragraph (1)(B) of this subsection, the term "rehabilitative program" shall include work preparation and skill programs, non-residential alcohol and substance abuse programs, and educational programs.

(c) The Court shall order the obligor to pay the petitioner's attorney's fees as well as court costs, unless good cause can be demonstrated on the record against this result.

(d) For purposes of this section, failure to pay child support, as ordered, shall constitute prima facie evidence of a willful violation. This presumption may be rebutted if the obligor was incarcerated, hospitalized, or had a disability during the period of nonsupport. These circumstances do not constitute an exhaustive list of circumstances that may be used to rebut the presumption of willfulness.

(e) The Court shall not deny a request for relief pursuant to this section unless the facts and circumstances constituting the reasons for its determination are set forth in a written memorandum of decision.

(Feb. 24, 1987, D.C. Law 6-166, § 26b, as added Mar. 6, 2002, D.C. Law 14-81, § 2, 49 DCR 11270); May 12, 2006, D.C. Law 16-100, § 3(z), 53 DCR 1886; Apr. 24, 2007, D.C. Law 16-305, § 72, 53 DCR 6198.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 16-100 rewrote the section, which had read:

"(a) The Mayor or any party who has a legal claim to any child support may initiate a criminal contempt action for failure to pay the support by filing a motion in the civil action in which the child support order was established.

"(b)(1) Upon a finding by the court that an obligor has willfully failed to obey any lawful order of child support, the court may:

"(A) Commit the obligor to jail for a term not to exceed 180 days;

"(B) Order the obligor to participate in a rehabilitative program, if the court determines that participation would assist the obligor in complying with the order of child support and access to such program is available;

"(C) Order the obligor to accept appropriate available employment or participate in job search and placement activities; or

"(D) Place the obligor on probation under such conditions as the court may determine and in accordance with the provisions of the criminal procedure law.

"(2) The court may direct that an obligor's commitment may be served upon certain specified days or parts of days. The court may suspend all or part of a sentence and may, at any time within the term of the sentence, revoke the suspension and commit the obligor for the remainder of the original sentence. A period of commitment shall not prevent the court from committing the obligor for a subsequent failure to comply with an order of child support.

"(3) For the purposes of paragraph (1)(B) of this subsection, the term 'rehabilitative program' shall include work preparation and skill programs, non-residential alcohol and substance abuse programs, and educational programs.

"(c) The court shall order the obligor to pay the petitioner's attorney fees as well as the court costs, unless good cause can be demonstrated on the record against this result.

"(d) For purposes of this section, failure to pay child support, as ordered, shall constitute prima facie evidence of a willful violation. This presumption may be rebutted if the obligor was incarcerated, hospitalized, or disabled during the period of nonsupport. These circumstances do not constitute an exhaustive list of circumstances that may be used to rebut the presumption of willfulness.

"(e) The court shall not deny any request for relief pursuant to this section unless the facts and circumstances constituting the reasons for its determination are set forth in a written memorandum of decision."

D.C. Law 16-305, in subsec. (d), substituted "had a disability" for "disabled".

##### *Temporary Amendments of Section*

Section 3(aa) of D.C. Law 16-42 rewrote section to read as follows:

"Sec. 26b. Criminal contempt remedy for failure to pay child support.

"(a) The Mayor or a party who has a legal claim to child support may initiate a criminal contempt action for failure to pay the support by filing a motion in the civil action in which the support order was established.

"(b)(1) Upon a finding by the Court that an obligor has willfully failed to obey a lawful support order, the Court may:

"(A) Commit the obligor to jail for a term not to exceed 180 days;

"(B) Order the obligor to participate in a rehabilitative program, if the Court determines that participation would assist the obligor in complying with the support order and access to such program is available;

"(C) Order the obligor to accept appropriate available employment or participate in job search and placement activities; or

"(D) Place the obligor on probation under such conditions as the Court may determine and in accordance with the provisions of the criminal procedure law.

"(2) The Court may direct that an obligor's commitment may be served upon certain specified days or parts of days. The Court may suspend all or part of a sentence and may, at any time within the term of the sentence, revoke the suspension and commit the obligor for the remainder of the original sentence. A period of commitment shall not prevent the Court from committing the obligor for a subsequent failure to comply with a support order.

"(3) For the purposes of paragraph (1)(B) of this subsection, the term 'rehabilitative program' shall include work preparation and skill programs, non-residential alcohol and substance abuse programs, and educational

programs.

"(c) The Court shall order the obligor to pay the petitioner's attorney's fees as well as court costs, unless good cause can be demonstrated on the record against this result.

"(d) For purposes of this section, failure to pay child support, as ordered, shall constitute prima facie evidence of a willful violation. This presumption may be rebutted if the obligor was incarcerated, hospitalized, or disabled during the period of nonsupport. These circumstances do not constitute an exhaustive list of circumstances that may be used to rebut the presumption of willfulness.

"(e) The Court shall not deny a request for relief pursuant to this section unless the facts and circumstances constituting the reasons for its determination are set forth in a written memorandum of decision."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 2 of Child Support Enforcement Emergency Amendment Act of 2001 (D.C. Act 14-181, November 19, 2001, 48 DCR 11069).

For temporary (90 day) amendment of section, see § 3(aa) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(aa) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

Law 14-81, the "Child Support Enforcement Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-26, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 2, 2001, and November 6, 2001, respectively. Signed by the Mayor on November 29, 2001, it was assigned Act No. 14-201 and transmitted to both Houses of Congress for its review. D.C. Law 14-81 became effective on March 6, 2002.

For Law 16-100, see notes following § 46-201.

Law 16-305, the "People First Respectful Language Modernization Act of 2006", was introduced in Council and assigned Bill No. 16-664, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 17, 2006, it was assigned Act No. 16-437 and transmitted to both Houses of Congress for its review. D.C. Law 16-305 became effective on April 24, 2007.

## **§ 46-226. LIMITATION OF LIABILITY.**

(a) Neither the District nor its officers or employees shall be responsible for any injury resulting from the improper enforcement of a lien or a notice or order to withhold, except that the District, its officers, and employees shall be liable for damages caused by gross negligence in the enforcement of liens or withholdings.

(b) A holder who complies with a notice or order to withhold that is regular on its face shall not be subject to civil liability to any individual or agency for conduct in compliance with that notice.

(c) No public or private entity shall be liable for injury resulting from providing access to records under § 46-226.03(a)(2) through (4).

(Feb. 24, 1987, D.C. Law 6-166, § 27, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(y), 48 DCR 1270; May 12, 2006, D.C. Law 16-100, § 3(aa), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-526.

##### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"Neither the District nor its officers or employees shall be responsible for any injury resulting from the improper enforcement of a lien, except that the District, its officers, and employees shall be liable for damages caused by gross negligence in the enforcement of liens."

D.C. Law 16-100, in subsec. (a), substituted "notice or order to withhold," for "notice of income withholding,"; and in subsec. (b), substituted "a notice or order to withhold" for "an income withholding notice".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(x) of Child Support and Welfare Reform Compliance

Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) amendment of section, see § 107(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

Section 3(bb) of D.C. Law 16-42, in subsec. (a), substituted "notice or order to withhold," for "notice of income withholding,"; and in subsec. (b), substituted "a notice or order to withhold" for "an income withholding notice".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(x) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(x) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(x) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(x) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) amendment of section, see § 107(y) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(y) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(y) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(y) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3(bb) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(bb) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

For D.C. Law 13-269, see notes following § 46-201.

For Law 16-100, see notes following § 46-201.

### **§ 46-226.01. CHILD SUPPORT ENFORCEMENT FUNDING.**

(a) The following payments received by the District under Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), and appropriated by Congress shall be allocated exclusively to the IV-D agency for the purpose of funding for the IV-D program:

- (1) Reimbursements from the federal government for fixed percentages of the costs of administering the IV-D program;
- (2) Incentive payments received by the District based on the performance of the District's IV-D program;
- (3) Support collections retained by the District pursuant to section 457 of the Social Security Act, approved January 4, 1975 (88 Stat. 2356; 42 U.S.C. § 657); and
- (4) Reimbursements and fees received in connection with the operation of the IV-D program.

(b) The payments specified in subsection (a)(2), (3), and (4) of this section shall not lapse at the end of any fiscal year or at any other time, but shall continue to be available to the IV-D agency for the purpose of funding the IV-D program until expended, subject to authorization by Congress in an appropriations act.



(c) The payments allocated to the IV-D agency pursuant to subsection (a) of this section shall be in addition to the annual appropriation for the IV-D agency.

(Feb. 24, 1987, D.C. Law 6-166, § 27a, as added Aug. 17, 1991, D.C. Law 9-39, § 4(c), 38 DCR 4970; Nov 13, 2003, D.C. Law 15-39, § 902, 50 DCR 5668.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 30-526.1.

##### *Effect of Amendments*

D.C. Law 15-39 rewrote the section which had read as follows:

"§ 46-226.01. Funding."

"Incentive payments received by the District under title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), based upon the District's IV-D program performance, and payments for fixed percentages of the costs of administering the IV-D program, which are reimbursed by the federal government, shall be appropriated to the IV-D agency for the purpose of funding for the program. This amount shall be in addition to the annual appropriation for the IV-D agency and the IV-D agency shall spend those funds as though appropriated through the annual appropriation for the year in which they are received."

##### *Emergency Act Amendments*

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12- 439, August 12, 1998, 45 DCR 6110).

For temporary (90 day) amendment of section, see § 902 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 902 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

##### *Legislative History of Laws*

Law 9-5 was introduced in Council and assigned Bill No. 9-142. The Bill was adopted on first and second readings on March 5, 1991, and April 5, 1991, respectively. Signed by the Mayor on April 26, 1991, it was assigned Act No. 9-20 and transmitted to both Houses of Congress for its review.

Law 9-39 was introduced in Council and assigned Bill No. 9-2, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 4, 1991, and July 2, 1991, respectively. Signed by the Mayor on July 24, 1991, it was assigned Act No. 9-76 and transmitted to both Houses of Congress for its review.

Law 15-39, the "Fiscal Year 2004 Budget Support Act of 2003", was introduced in Council and assigned Bill No. 15-218, which was referred to Committee on Whole. The Bill was adopted on first and second readings on May 6, 2003, and June 3, 2003, respectively. Signed by the Mayor on June 20, 2003, it was assigned Act No. 15-106 and transmitted to both Houses of Congress for its review. D.C. Law 15-39 became effective on November 13, 2003.

##### *Miscellaneous Notes*

Short title of title IX of Law 15-39: Section 901 of D.C. Law 15-39 provided that title IX of the act may be cited as the Child Support Enforcement Program Funding Amendment Act of 2003.

## **§ 46-226.02. FILING OF IDENTIFYING INFORMATION BY PARTIES TO PATERNITY AND SUPPORT PROCEEDINGS.**

(a) Upon the first personal appearance before the IV-D agency or the Court in a paternity or child support matter, or upon entry of an order of paternity or child support, whichever is earlier, each party to a paternity or child support proceeding in the District of Columbia shall file and update as necessary with the IV-D agency and with the Court the following information:

- (1) Name;
- (2) Residential and mailing addresses and telephone numbers;
- (3) Name, address, and telephone number of all employers, including all names under which each employer does business, and, if the party is self-employed, the party's business address and all names under which the party does business;
- (4) Social security number; and
- (5) Driver's license number.

(b) Provision of information pursuant to subsection (a) of this section shall be subject to the safeguards provided to victims or potential victims of domestic violence under § 16-925 and any applicable privacy protections under federal or District law.

(c) A party shall update any information required pursuant to subsection (a) of this section within 10 days of any change in that information.

(Feb. 24, 1987, D.C. Law 6-166, § 27b, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(q), 51 DCR 8441.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-205, in subsec. (a), substituted "with the Court" for "with the Collection and Disbursement Unit".

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(q) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(q) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

##### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

### **§ 46-226.03. AUTHORITY OF IV-D AGENCY TO EXPEDITE PATERNITY AND SUPPORT PROCESSES.**

(a) The IV-D agency may take the following actions relating to paternity establishment or the establishment, modification, or enforcement of support orders without obtaining an order from any judicial or other administrative tribunal:

- (1) Order genetic testing relating to the establishment of paternity;
- (2) Issue an administrative subpoena to an individual or public or private entity (including a financial institution) for financial or other information needed to establish, modify, or enforce a support order, which may include information from a public utility or cable television company, that provides the name and address of a customer or a customer's employer as well as information in paragraph (3) of this subsection;
- (3) Require a public or private entity in the District to provide promptly, in response to a request from the District's IV-D agency or any other state's IV-D agency, information on the employment status, number of hours worked, title, employment start date, employment termination date (if applicable), whether the employee ever quit voluntarily, location of work site, compensation, and benefits (including access to health insurance) of any employee of the entity, or of one of its contractors;
- (4) Obtain prompt access, including automated access, to information in the following records maintained or possessed by the District government, subject to any applicable privacy provisions under District or federal law:
  - (A) Vital records maintained by the Registrar and the court;
  - (B) Tax and revenue records;
  - (C) Records of real and titled personal property;
  - (D) Records of occupational, professional, recreational, and sporting licenses issued under any District law or regulation;
  - (E) Records concerning the ownership and control of corporations, partnerships, and other business entities;
  - (F) Employment security records, subject to such restrictions as the Mayor may, by regulation, prescribe pursuant to Chapter 1 of Title 51;
  - (G) Records concerning public assistance, as defined in § 4-201.01(6), subject to confidentiality restrictions set forth in the Chapter 2 of Title 4 or prescribed by the Mayor;
  - (H) Records maintained by the Department of Motor Vehicles;
  - (I) Records maintained by the Department of Corrections; and
  - (J) Social security numbers on file, if submitted in an application;
- (5) Direct an obligor or other payor to substitute for the payee of a support order the appropriate governmental entity, upon notice to the obligor (or other payor) and obligee, sent by first-class mail, to their last known address, if the support is subject to:
  - (A) An assignment to pay the District government under Chapter 2 of Title 4, title IV, part E of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 *et seq.*), or section 1912 of the Social Security Act, approved October 25, 1977 (91 Stat. 1196; 42 U.S.C. § 1396k); or
  - (B) A requirement to pay support through the Collection and Disbursement Unit;
- (6) Order income withholding, including the amount of periodic support payments and any additional amount for health insurance coverage, medical support, overdue support payments, and other costs or fees required under a support order;
- (7) When there is a support arrearage, secure assets to satisfy any current support obligation and the support arrearage by:
  - (A) Intercepting or seizing periodic or lump-sum payments from:
    - (i) Any District agency, including payments for unemployment compensation, worker's compensation, and other non-means-tested public benefits; and
    - (ii) Judgments, settlements, and lotteries (interception or seizure of lottery prize winnings shall be made pursuant to § 46-224.01);
  - (B) Attaching and seizing assets owned by the support obligor and held in financial institutions, or held in a financial institution by another on behalf of the support obligor;
  - (C) Attaching public and private retirement funds, to the extent permitted by federal law; and

(D) Imposing liens pursuant to § 46-224 and, when appropriate, forcing the sale of property and distributing the proceeds;

(8) Increase the amount of periodic support payments to include amounts for arrearages, subject to section 303 of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 USC § 1673), to secure overdue support; and

(9) Enter agreements with financial institutions pursuant to Chapter 5A of Title 26.

(b) The IV-D agency shall provide notice of any action taken under subsection (a) of this section to any person or entity, other than another agency of the District government, that is subject to the action, except that the IV-D agency shall provide notice of withholding to the obligor only as required pursuant to § 46-209.

(c) Any person or entity subject to any IV-D action under subsection (a) of this section, other than another agency of the District government, is entitled to an administrative proceeding before the IV-D agency to contest the action and to judicial review based upon the administrative record. The procedures set forth in §§ 2-509 and 2-510 shall apply to the administrative proceeding and the judicial review, respectively. This subsection shall not apply to IV-D agency actions related to the withholding of earnings or other income under this subchapter.

(d) The Superior Court may issue an ex parte order to enforce any power asserted by the IV-D agency pursuant to subsection (a) of this section upon petition by the IV-D agency.

(e) A person or entity shall honor an administrative subpoena issued pursuant to subsection (a)(2) of this section to the same extent as a judicial subpoena issued by the Court. The subpoena issued pursuant to subsection (a)(2) of this section may be served by first-class mail. If any person or entity neglects or otherwise fails to comply with an administrative subpoena issued pursuant to subsection (a)(2) of this section, the IV-D agency may report the noncompliance to the Court, and the Court is empowered to compel obedience to the subpoena to the same extent that it may compel obedience to subpoenas issued by the Court.

(f) As an alternative to judicial enforcement pursuant to subsections (d) and (e) of this section, the IV-D agency may impose a civil penalty of up to \$1,000 per incident for failure to comply with an administrative subpoena issued pursuant to subsection (a)(2) of this section, or a request for information made pursuant to subsection (a)(3) of this section. The IV-D agency may double the penalty if the failure to comply persists for more than 30 days after the date the subpoena or request required compliance. The Court is authorized to enter a penalty assessed by the IV-D agency pursuant to this subsection as a judgment in the Court, upon application by the IV-D agency, and that judgment shall be enforceable by the Attorney General for the District of Columbia.

(g) A District government agency shall promptly provide information in response to a request by the IV-D agency made pursuant to subsection (a)(4) of this section. If a District government agency fails to provide information requested by the IV-D agency pursuant to subsection (a)(4) of this section, the Mayor shall promptly direct the agency to comply within a period specified by the Mayor.

(h) No public or private entity providing the IV-D agency with information or access to information pursuant to this section shall be liable under any District law to any person for providing the information or access.

(i) The IV-D agency shall promulgate rules pursuant to subchapter I of Chapter 5 of Title 2 to implement this section.

(Feb. 24, 1987, D.C. Law 6-166, § 27c, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270; Apr. 13, 2005, D.C. Law 15-354, § 71, 52 DCR 2638; May 12, 2006, D.C. Law 16-100, § 3(bb), 53 DCR 1886; Mar. 2, 2007, D.C. Law 16-191, § 48(g), 53 DCR 6794; Aug. 16, 2008, D.C. Law 17-219, § 5008, 55 DCR 7598.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-354 substituted "Attorney General for the District of Columbia" for "Corporation Counsel".

D.C. Law 16-100, in par. (a)(2), substituted "company," for "company"; in subpar. (a)(4)(H), substituted "Department of Motor Vehicles;" for "Department of Public Works, Bureau of Motor Vehicle Services;"; in subsec. (b), substituted ", except that the IV-D agency shall provide notice of withholding to the obligor only as required pursuant to § 46-209." for "a period at the end"; in subsec. (c), added "This subsection shall not apply to IV-D agency actions related to the withholding of earnings or other income under this subchapter." to the end; in subsec. (e), deleted "Family Division of the Superior" and "Superior" preceding "Court"; in subsec. (f), deleted "Superior" preceding "Court"; and amended par. (a)(6), which had read as follows:

"(6) Order income withholding, including the amount of periodic support payments and any additional amount for overdue support payments;"

D.C. Law 16-191, in subsec. (f), validated a previously made technical correction.

D.C. Law 17-219, in subsec. (c), deleted ", except that judicial review shall be in the Superior Court" following

"respectively".

*Temporary Amendments of Section*

Section 3(cc) of D.C. Law 16-42, in subsec. (a)(2), inserted a comma after "company"; in subsec. (a)(4)(H), substituted "Department of Motor Vehicles;" for "Department of Public Works, Bureau of Motor Vehicle Services;"; in subsec. (b), substituted ", except that the IV-D agency shall provide notice of withholding to the obligor only as required pursuant to section 10." for the period at the end; in subsec. (c), added "This subsection shall not apply to IV-D agency actions related to the withholding of earnings or other income under this act" to the end; in subsec. (e), deleted "Family Division of the Superior" in the first sentence, deleted "Superior" wherever it appears in the third sentence; in subsec. (f) deleted "Superior" wherever it appears; and rewrote subsec. (a)(6) to read as follows:

"(6) Order income withholding, including the amount of periodic support payments and any additional amount for health insurance coverage, medical support, overdue support payments, and other costs or fees required under a support order;"

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

*Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3(cc) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(cc) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

For D.C. Law 13-269, see notes following § 46-201.

Law 15-354, the "Technical Amendments Act of 2004", was introduced in Council and assigned Bill No. 15-1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.

For Law 16-100, see notes following § 46-201.

For Law 16-191, see notes following § 46-202.01.

Law 17-219, the "Fiscal Year 2009 Budget Support Act of 2008", was introduced in Council and assigned Bill No. 17-678, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 13, 2008, and June 3, 2008, respectively. Signed by the Mayor on June 26, 2008, it was assigned Act No. 17-419 and transmitted to both Houses of Congress for its review. D.C. Law 17-219 became effective on August 16, 2008.

*Miscellaneous Notes*

Short title: Section 5007 of D.C. Law 17-219 provided that subtitle D of title V of the act may be cited as the "Child Support Expedited Processes Amendment Act of 2008".

## **§ 46-226.04. RECOGNITION AND ENFORCEMENT OF AUTHORITY OF OTHER STATE IV-D AGENCIES.**

Except as otherwise provided in this subchapter, the IV-D agency shall recognize and enforce the authority of a IV-D agency in another state to take the actions specified in § 46-226.03(a) if those actions were taken in accordance with the laws and procedures of the other state.

(Feb. 24, 1987, D.C. Law 6-166, § 27d, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270.)

*HISTORICAL AND STATUTORY NOTES*

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

*Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

### **§ 46-226.05. ACCESS TO LOCATE SYSTEMS.**

The IV-D agency shall develop procedures to ensure that all federal and state agencies engaged in child support enforcement activities under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*) have access to any system used by the District to locate an individual for purposes related to motor vehicles or law enforcement.

(Feb. 24, 1987, D.C. Law 6-166, § 27e, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR

For D.C. Law 13-269, see notes following § 46-201.

## **§ 46-226.06. DIRECTORY OF NEW HIRES.**

(a) The Mayor shall establish and maintain a District of Columbia Directory of New Hires, which shall contain information supplied in accordance with subsection (b) of this section.

(b) Except as specified in subsections (e), (f), and (g) of this section, within 20 days of the date an employee begins employment in the District of Columbia, or is rehired, the employer shall supply the following information to the District of Columbia Directory of New Hires:

- (1) Name of the employee;
- (2) Address of the employee;
- (3) Social security number of the employee;
- (4) Name of the employer;
- (5) Address of the employer; and
- (6) Employer identification number issued to the employer under section 6109 of the Internal Revenue Code of 1986, approved October 22, 1986 (75 Stat. 828; 26 U.S.C. § 6109).

(c) An employer may, at the employer's option, supply the following information to the District of Columbia Directory of New Hires:

- (1) Name of an employer contact person;
- (2) Telephone number of an employer contact person;
- (3) Availability of medical insurance coverage for the employee and the date on which the employee became or will become eligible for the coverage, if appropriate;
- (4) Date of birth of the employee;
- (5) Date of hire of the employee, defined as the first day that the employee performed services for compensation; and
- (6) Employee's salary, wages, or other compensation.

(d) Each report required by subsection (b) of this section shall be:

- (1) Made on a Internal Revenue Service W-4 form, or, at the option of the employer, an equivalent form;
- (2) Transmitted by first-class mail, magnetically or electronically;
- (3) Entered into the data base of the District of Columbia Directory of New Hires within 5 business days of receipt of the report from the employer; and
- (4) Forwarded by the IV-D agency to the National Directory of New Hires within 3 business days of entry of the information under paragraph (3) of this subsection.

(e) An employer that transmits reports to the District of Columbia Directory of New Hires magnetically or electronically may transmit reports in up to 2 monthly transmissions, not less than 12 days nor more than 16 days apart.

(f) Within 2 business days after the date a report under subsection (b) of this section is entered into the District of Columbia Directory of New Hires, the IV-D agency shall transmit an order to withhold to the employer in accordance with this subchapter, unless the employee's income is not subject to withholding.

(g) An employer that has employees in the District and in at least one other state and transmits reports magnetically or electronically may comply with subsection (b) of this section by designating either the District or a state in which the employer has employees and transmitting reports on new hires only to the District or that state. Any employer transmitting reports pursuant to this subsection shall provide the United States Department of Health and Human Services with written notice of the jurisdiction the employer has designated.

(h) Any department, agency, or instrumentality of the United States shall comply with this section to the extent permitted by section 453A(b)(1)(C) of the Social Security Act, approved August 22, 1996 (110 Stat. 2216; 42 U.S.C. § 653(i)).

(i) An employer who fails to comply with this section shall be subject to a civil penalty of \$25 for each employee with respect to whom the employer failed to comply or the employer shall be subject to a civil penalty of \$500 for each employee with respect to whom the employer failed to comply if the noncompliance was the result of a conspiracy between the employer and the employee not to supply the required report or to supply a false or incomplete report. The employer shall be penalized each calendar



month until the employer complies. Penalties pursuant to this subsection shall be enforced in the Court by the Attorney General for the District of Columbia.

(j) The Mayor may contract for services to carry out this section.

(k) The Mayor shall promulgate rules pursuant to subchapter I of Chapter 5 of Title 2, to implement the provisions of this section, including establishment of a procedure for an employer to challenge the imposition of a civil penalty pursuant to subsection (i) of this section, with a right to appeal the decision to the Court in accordance with the manner and standards for appeals as set forth in § 2-510.

(l) For purposes of this section, the term:

(1) "Employee" means a person who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 455; 26 U.S.C. § 3401 *et. seq.*), but does not include an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of the agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(2) "Employer" has the meaning given to the term in section 3401(d) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 457; 26 U.S.C. § 3401(d)), and includes any governmental entity and any labor organization, as defined under section 2(5) of the National Labor Relations Act, approved July 5, 1935 (49 Stat. 450; 29 U.S.C. § 152(5)), including a hiring hall.

(3) "New hire" means an employee for whom an employer is required to complete a new Internal Revenue Service W-4 form.

(m) Information collected for the District of Columbia Directory of New Hires may be used by a federal agency, a state or District agency, or a private entity under contract with a government agency to:

(1) Establish paternity;

(2) Establish, modify, and enforce a support order;

(3) Administer worker's compensation and unemployment insurance programs; and

(4) Verify eligibility for public assistance programs.

(Feb. 24, 1987, D.C. Law 6-166, § 27f, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270; Dec. 7, 2004, D.C. Law 15-205, § 3403(r), 51 DCR 8441; Apr. 13, 2005, D.C. Law 15-354, § 71, 52 DCR 2638; May 12, 2006, D.C. Law 16-100, § 3(cc), 53 DCR 1886; Mar. 3, 2007, D.C. Law 16-191, § 48(g), 54 DCR 6794.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-205, in subsec. (f), substituted "Court" for "IV-D agency".

D.C. Law 15-354 substituted "Attorney General for the District of Columbia" for "Corporation Counsel".

D.C. Law 16-100, in subsecs. (i) and (k), deleted "Superior" preceding "Court"; and rewrote subsec. (f), which had read as follows:

"(f) Within 2 business days after the date a report under subsection (b) of this section is entered into the District of Columbia Directory of New Hires, the Court shall transmit a notice to the employer of the employee directing the employer to withhold from the income of the employee an amount equal to the monthly (or other periodic) support obligation (including any past due support obligation of the employee) unless the employee's income is not subject to withholding."

D.C. Law 16-191, in subsec. (f), validated a previously made technical correction.

##### *Temporary Amendments of Section*

Section 3(dd) of D.C. Law 16-42, in subsec. (i), added "of the District of Columbia" after "Superior Court"; and rewrote subsec. (f) to read as follows:

"(f) Within 2 business days after the date a report under subsection (b) of this section is entered into the District of Columbia Directory of New Hires, the IV-D agency shall transmit an order to withhold to the employer in accordance with this act, unless the employee's income is not subject to withholding."

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance

Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

*Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3403(r) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 3403(r) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 3(dd) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(dd) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

*Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

For Law 15-205, see notes following § 46-202.01.

For Law 15-354, see notes following § 46-226.03.

For Law 16-100, see notes following § 46-201.

For Law 16-191, see notes following § 46-202.01.

**§ 46-226.07. ADMINISTRATIVE ENFORCEMENT IN INTERSTATE CASES.**

(a) The IV-D agency shall respond within 5 business days to a request made by another state to enforce a support order.

(b) The IV-D agency may request the child support agency of a state or jurisdiction outside of the District of Columbia established pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*) to enforce a support order entered in the District of Columbia or in another state or jurisdiction through high-volume automated administrative enforcement. The request shall

include sufficient information to enable the jurisdiction to which the request is transmitted to compare the information about the case to the information in that jurisdiction's database.

(c) A request by the IV-D agency to another jurisdiction under subsection (b) of this section or a request to the IV-D agency under subsection (a) of this section shall constitute a certification by the requesting jurisdiction of the amount of arrears accrued under the support order. The request shall also constitute a certification that the requesting jurisdiction has complied with all procedural due process requirements that apply to the case.

(d) The IV-D agency shall maintain records of the number of requests received under this section and the number of cases for which the IV-D agency collected support in response to the requests and the amount collected.

(e) If a jurisdiction provides assistance to another jurisdiction pursuant to this section, neither jurisdiction shall consider the case to be transferred to the case load of the other jurisdiction.

(f) The IV-D agency shall use high-volume automated administrative enforcement, to the same extent as used for intra-state cases, in response to a request made by another state to enforce a support order, and shall promptly report the results of the enforcement procedures to the requesting state. The term "high-volume automated administrative enforcement", as used in this section, means the use of automated data processing to search various data bases to determine whether information is available regarding a parent who owes a child support obligation.

(Feb. 24, 1987, D.C. Law 6-166, § 27g, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270; May 12, 2006, D.C. Law 16-100, § 3(dd), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 16-100, in subsec. (a), deleted "For the purposes of this section, the term 'business day' means a day on which District government offices are open for regular business."

##### *Temporary Amendments of Section*

Section 3(ee) of D.C. Law 16-42, in subsec. (a), deleted "For the purposes of this section, the term 'business day' means a day on which District government offices are open for regular business.".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform

Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3(ee) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(ee) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

For Law 16-100, see notes following § 46-201.

### **§ 46-226.o8. FRAUDULENT TRANSFERS.**

Whenever the IV-D agency knows of a transfer by a support judgment debtor pursuant to Chapter 31 of Title 28, for which a prima facie case is established, the IV-D agency shall seek to void the transfer or obtain a settlement in the best interest of the support creditor.

(Feb. 24, 1987, D.C. Law 6-166, § 27h, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

### **§ 46-226.09. COURT ORDERED WORK REQUIREMENTS.**

Whenever an individual owes past-due support for a child receiving public assistance, the IV-D agency may request the court to issue an order that requires the individual to pay support in accordance with a plan approved by the Court, or, if the individual is subject to such a plan and is not incapacitated, to participate in such work activities as defined in section 407(d) of the Social Security Act, approved August 22, 1996 (110 Stat. 2133; 42 U.S.C. § 407(d)), as the court or the IV-D agency deems appropriate.

(Feb. 24, 1987, D.C. Law 6-166, § 27i, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270; May 12, 2006, D.C. Law 16-100, § 3(ee), 53 DCR 1886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 16-100 substituted "public assistance" for "assistance under TANF"; and deleted "Superior" preceding "Court".

##### *Temporary Amendments of Section*

Section 3(ff) of D.C. Law 16-42 substituted "public assistance" for "assistance under TANF"; and deleted "Superior".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 3(ff) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 3(ff) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

#### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

For Law 16-100, see notes following § 46-201.

### **§ 46-226.10. AUTOMATED PROCEDURES.**

The IV-D agency shall have in operation a single, District-wide automated data processing and information retrieval system that has the capability to perform the tasks specified by title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*) and shall use this system to the maximum extent feasible to implement the expedited procedures required by that act.

(Feb. 24, 1987, D.C. Law 6-166, § 27j, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform

Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

For D.C. Law 13-269, see notes following § 46-201.

### **§ 46-226.11. JURISDICTION.**

The IV-D agency and any administrative or judicial tribunal with authority to hear child support and paternity cases shall exert District-wide jurisdiction over the parties.

(Feb. 24, 1987, D.C. Law 6-166, § 27k, as added Apr. 3, 2001, D.C. Law 13-269, § 108(z), 48 DCR 1270.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 7(y) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1999 (D.C. Law 13-57, March 7, 2000, law notification 47 DCR 1979).

For temporary (225 day) addition of section, see § 107(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

##### *Emergency Act Amendments*

For temporary addition of section, see § 7(o) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary addition of section, see § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(y) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(y) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(y) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90-day) addition of section, see § 107(z) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) addition of this section, see § 107(z) of the Child Support and Welfare Reform Compliance Emergency Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) addition of section, see § 108(z) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR

For D.C. Law 13-269, see notes following § 46-201.

## **§ 46-227. RULEMAKING AUTHORITY.**

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this subchapter and the Child Support and Welfare Reform Compliance Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-269; 48 DCR 1270).

(Feb. 24, 1987, D.C. Law 6-166, § 28, 33 DCR 6710; Apr. 3, 2001, D.C. Law 13-269, § 108(aa), 48 DCR 1270.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 30-527.

#### *Effect of Amendments*

D.C. Law 13-269 rewrote the section which had read:

"The Mayor shall issue proposed rules to implement the provisions of this chapter and attendant federal law within 90 days from February 24, 1987, pursuant to subchapter I of Chapter 5 of Title 2. The proposed rules shall be submitted to the Council of the District of Columbia ("Council") for a 30-day period of review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 7(z) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998 (D.C. Law 12-210, April 13, 1999, law notification 46 DCR 3832).

For temporary (225 day) amendment of section, see § 107(aa) of Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000 (D.C. Law 13-207, March 31, 2001, law notification 48 DCR 3238).

#### *Emergency Act Amendments*

For temporary amendment of section, see § 7(n) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114).

For temporary amendment of section, see § 7(z) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 7(z) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 7(z) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 7(z) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary (90-day) amendment of section, see § 107(aa) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 107(aa) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 107(aa) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 107(aa) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 108(aa) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.



For D.C. Law 13-269, see notes following § 46-201.

*Delegation of Authority*

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

Delegation of authority to the Attorney General of the District of Columbia to Issue Rules pursuant to Section 28 of the District of Columbia Child Support Enforcement Amendment Act of 1985, see Mayor's Order 2007-42, January 19, 2007 (54 DCR 2411).

## **§ 46-228. CHOICE OF LAW.**

(a) The law and procedures of the jurisdiction in which the obligor is employed shall apply, except with respect to:

(1) When withholding must be implemented; and

(2) The statute of limitations for maintaining an action on arrearages of support payments.

(b) The Court shall apply the statute of limitations for maintaining an action on arrearages of support payments of either this jurisdiction or the jurisdiction that issued the support order, whichever is longer.

(Feb. 24, 1987, D.C. Law 6-166, § 29, 33 DCR 6710.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 30-528.

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

## **§ 46-229. RULES OF PROCEDURE.**

The Court shall establish rules of procedure necessary to effectuate the purposes of this subchapter.

(Feb. 24, 1987, D.C. Law 6-166, § 30, 33 DCR 6710.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 30-529.

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

## **§ 46-230. PUBLIC INFORMATION PROGRAM.**

The Mayor shall ensure that an extensive program of public information detailing the effects of this subchapter is undertaken within 30 calendar days of February 24, 1987.

(Feb. 24, 1987, D.C. Law 6-166, § 31, 33 DCR 6710.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 30-530.

*Legislative History of Laws*

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

*Delegation of Authority*

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

## **§ 46-231. ENFORCEMENT.**

This subchapter shall not be enforced until 60 calendar days after February 24, 1987.

(Feb. 24, 1987, D.C. Law 6-166, § 32, 33 DCR 6710.)

1981 Ed., § 30-531.

For legislative history of D.C. Law 6-166, see Historical and Statutory Notes following § 46-201.

## **SUBCHAPTER II. MEDICAL SUPPORT ENFORCEMENT.**

### **§ 46-251.01. DEFINITIONS.**

For the purposes of this subchapter, the term:

- (1) "Custodian" means the parent, relative, guardian, or other person with whom the dependent child resides.
- (2) "Health insurance coverage" means benefits consisting of amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body (provided directly, through insurance or reimbursement, or otherwise, and includes items and services) under any hospital or medical service policy or certificate, hospital, or medical service plan contract, or health maintenance organization contract offered by a health insurer that is available to either parent, under which medical services could be provided to a dependent child.
- (3) "Health insurer" means any person that provides one or more health benefit plans or insurance in the District of Columbia, including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, approved April 7, 1986 (100 Stat. 231; 29 U.S.C. § 1167(1)), a plan administrator as defined in section 3(16) of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 835; 29 U.S.C. § 1002(16)), an insurer, a hospital and medical service corporation, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance and Securities Regulation.
- (4) "IV-D agency" means the organizational unit of the District of Columbia government, its contractors or assignees, or a successor organizational unit, that is responsible for administering or supervising the administration of the District of Columbia's State Plan under Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.
- (5) "Medical support notice" means a notice issued by the IV-D agency that meets the requirements of a National Medical Support Notice promulgated under section 401(b) of the Child Support Performance and Incentive Act of 1998, approved July 16, 1998 (112 Stat. 660; 42 U.S.C. § 651 note).
- (6) "Support order" means a judgment, decree, or order, whether temporary or final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.

(Mar. 30, 2004, D.C. Law 15-130, § 101, 51 DCR 1615; Mar. 20, 2008, D.C. Law 17-128, § 3(a), 55 DCR 1525.)

D.C. Law 17-128, in par. (2), substituted "health insurer that is available to either parent, under which medical services could be provided to a dependent child" for "health insurer".

For temporary (225 day) addition of section, see § 101 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 101 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

For temporary (90 day) addition of this section, see § 101 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 101 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 101 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 101 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

#### *Legislative History of Laws*

Law 15-130, the "Medical Support Establishment and Enforcement Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-219, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 2, 2003, and January 6, 2004, respectively. Signed by the Mayor on January 28, 2004, it was assigned Act No. 15-331 and transmitted to both Houses of Congress for its review. D.C. Law 15-130 became effective on March 30, 2004.

Law 17-128, the "Child Support Compliance Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-291 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on December 11, 2007, and January 8, 2008, respectively. Signed by the Mayor on January 29, 2008, it was assigned Act No. 17-277 and transmitted to both Houses of Congress for its review. D.C. Law 17-128 became effective on March 20, 2008.

### **§ 46-251.02. USE OF MEDICAL SUPPORT NOTICE; IV-D AGENCY.**

(a) In cases being enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), where a parent is required by a support order to provide health insurance coverage for a child, which is available through the parent's employer, the IV-D agency may apply for the enrollment of the child in the health insurance coverage by submitting a medical support notice to the employer. The IV-D agency shall, where appropriate, submit a medical support notice to the employer when the support order requires the noncustodial parent to provide health insurance coverage for the child and the employer is known to the IV-D agency, unless the support order directs enrollment of the child in alternative coverage.

(b) Where a noncustodial parent is a newly hired employee entered in the District of Columbia Directory of New Hires pursuant to § 46-226.06, and the support order requires the noncustodial parent to provide health insurance coverage for a child, the IV-D agency shall submit the medical support notice to the employer within 2 business days after the entry of the employee in the directory.

(c) The IV-D agency shall promptly notify an employer that has received a medical support notice when there is no longer a support order in effect for which the IV-D agency is responsible that requires a parent to provide health insurance coverage for a child.

(Mar. 30, 2004, D.C. Law 15-130, § 102, 51 DCR 1615.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 102 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14- 238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 102 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 102 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 102 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 102 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 102 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

For D.C. Law 15-130, see notes following § 46-251.01.

### **§ 46-251.03. MEDICAL SUPPORT NOTICE; CONTENTS; EFFECT.**

(a) A medical support notice shall be issued in a format consistent with federal requirements and shall contain all information required by federal law. A medical support notice shall:

- (1) Conform with the requirements applicable to medical child support orders under section 609(a) of the Employee Retirement Income Security Act of 1974, approved August 10, 1993 (107 Stat. 371; 29 U.S.C. § 1169(a)), in connection with group health plans;
- (2) Conform with the requirements of section 466(a)(19) of the Social Security Act, approved August 16, 1984 (98 Stat. 1306; 42 U.S.C. § 666(a) (19));
- (3) Include a separate and easily severable employer withholding notice that informs the employer of:
  - (A) The employer's obligations under § 46-251.07 to withhold employee contributions due in connection with health insurance coverage a parent is required to provide for a child pursuant to a support order;
  - (B) The duration of the withholding requirement as stated in § 1-307.42(3);
  - (C) The applicability of the limits on withholding imposed under section 303 (b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));
  - (D) The applicability of any prioritization required under § 46-251.08 when the employee's earnings are insufficient to satisfy fully through withholding the employee's obligations to provide cash support and contributions for health insurance coverage for the child;
  - (E) The name and telephone number of the appropriate person to contact at the IV-D agency about the medical support notice;
  - (F) The employee's right to contest the withholding based on mistake of fact pursuant to § 46-251.09, and the employer's obligation to initiate and continue the withholding until the employer receives notice that the contest is resolved; and
  - (G) The applicability of sanctions against the employer under § 46-251.10 for discharging, refusing to employ, or taking disciplinary action against a parent because of the requirement to withhold employee contributions for health insurance coverage, or for failing to withhold or remit earnings.

(b) An appropriately completed medical support notice that meets the requirements of section 401(b) of the Child Support Performance and Incentive Act of 1998, approved July 16, 1998 (112 Stat. 663; 42 U.S.C. § 651 note), shall be deemed to be a qualified medical child support order under section 609(a)(2) of the Employee Retirement Income Security Act of 1974, approved August 10, 1993 (107 Stat. 371; 29 U.S.C. § 1169(a)(2)).

(c) A medical support notice issued in another jurisdiction shall be treated under this subchapter in the same manner as a medical support notice issued in the District of Columbia.

(Mar. 30, 2004, D.C. Law 15-130, § 103, 51 DCR 1615.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 103 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14- 238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 103 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 103 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 103 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 103 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 103 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

For D.C. Law 15-130, see notes following § 46-251.01.

#### **§ 46-251.04. DUTIES OF THE EMPLOYER.**

(a) Upon receipt of a medical support notice, an employer shall, within 20 business days after the date of the medical support notice:

- (1) Determine whether health insurance coverage is available to the child included in the medical support notice based on the parent's employment status;
- (2) Complete and return to the IV-D agency the applicable portion of the medical support notice if health insurance coverage is unavailable to the child based on the parent's employment status; and
- (3) Send the medical support notice, excluding the severable employer withholding notice, to each health insurer that provides health insurance coverage for which the child may be eligible, if health insurance coverage is available to the child based on the parent's employment status.

(b) If the employer determines that the child cannot be enrolled in health insurance coverage because the employee contributions exceed the amount that may be withheld from the parent's earnings due to federal or District of Columbia withholding limitations or prioritizations, the employer shall promptly complete and send to the IV-D agency the applicable portion of the medical support notice.

(c) If the employer receives notice from a health insurer that the parent is subject to a waiting period that expires more than 90 days from the health insurer's receipt of the medical support notice, or that has a duration determined by a measure other than the passage of time, the employer shall inform the health insurer, when the parent is eligible to enroll in health insurance coverage, that the parent is eligible and that the medical support notice requires the enrollment of the child.

(d) Within 10 days after an employer receives notice that a parent subject to a medical support notice will terminate employment, or within 10 days after the termination, whichever occurs earlier, the employer shall notify the IV-D agency of the termination and provide the IV-D agency with the last known address and the name and address of the parent's new employer, if known.

(Mar. 30, 2004, D.C. Law 15-130, § 104, 51 DCR 1615.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 104 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14- 238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 104 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 104 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 104 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 104 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 104 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

#### *Legislative History of Laws*

For D.C. Law 15-130, see notes following § 46-251.01.

#### **§ 46-251.05. DUTIES OF THE HEALTH INSURER.**

(a) Upon receipt of a medical support notice from an employer, a health insurer shall, within 40 business days after the date of the notice:

- (1) Determine whether the medical support notice contains:
  - (A) The employee's name and mailing address; and
  - (B) The name of the child to be enrolled in health insurance coverage and the mailing address of

the child or a substituted official; and

(2)(A) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice if the medical support notice does not contain the information described in paragraph (1) of this subsection; or

(B) Comply with the following requirements, subject to subsections (c), (d), and (e) of this section, if the medical support notice contains the information described in paragraph (1) of this subsection:

- (i) Determine the child's eligibility for enrollment in health insurance coverage;
- (ii) Enroll the child in health insurance coverage if the child is eligible for enrollment and not already enrolled, without regard to enrollment season restrictions;
- (iii) Enroll the child and the employee in health insurance coverage if the employee is not enrolled and the health insurance plan requires the employee's enrollment for the child to be eligible;
- (iv) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice;
- (v) Send the parent, the child's custodian, and the child a written notification that health insurance coverage is or will become available to the child; and
- (vi) Send the child's custodian a written description of the available health insurance coverage, the effective date of the health insurance coverage, summary plan descriptions, and, if not already provided, forms, documents, or other information necessary to obtain health insurance coverage for the child and to submit claims for benefits.

(b) Notification to the child's custodian of the availability of health insurance coverage pursuant to subsection (a)(3)(E) of this section shall be deemed to be notification to the child if the child resides at the same address.

(c) If enrollment of a child in health insurance coverage is subject to a waiting period that has not been completed, within 40 business days after the date of the medical support notice the health insurer shall complete and send to the employer, the IV-D agency, and both parents the applicable portion of the medical support notice. Within 20 business days after the employee's completion of the waiting period, the health insurer shall comply with the requirements of subsection (a)(3) of this section.

(d) If a child is eligible for enrollment in more than one health insurance coverage option available through the employer, the health insurer shall, within 40 business days after the date of the medical support notice:

- (1) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice; and
- (2) Send the IV-D agency copies of applicable summary plan descriptions or other documents that describe the available coverage, including any additional employee contributions necessary to obtain coverage for the child under each option, and any applicable service area limitations for each option.

(e) Within 20 business days after the health insurer sends to the IV-D agency the information stated in subsection (d) of this section, the health insurer shall

- (1) Enroll the child in the health insurance coverage option selected by the IV-D agency, and comply with the other requirements of subsection (a)(3) of this section, if the IV-D agency has notified the health insurer of its selection; or
- (2) Enroll the child in any default option for which the child is eligible, and comply with the other requirements of subsection (a)(3) of this section, if the IV-D agency has not notified the health insurer of its selection of a different option.

(Mar. 30, 2004, D.C. Law 15-130, § 105, 51 DCR 1615; Apr. 13, 2005, D.C. Law 15-354, § 78, 52 DCR 2638.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-354, in subsec. (a)(2)(B), substituted "subsections" for "paragraphs".

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 105 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 105 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 105 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 105 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 105 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 105 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

*Legislative History of Laws*

For D.C. Law 15-130, see notes following § 46-251.01.

For Law 15-354, see notes following § 46-226.03.

## **§ 46-251.06. SELECTION OF A HEALTH INSURANCE COVERAGE OPTION.**

(a) Upon receipt of notice from a health insurer that more than one health insurance coverage option is available for a child included in a medical support notice, the IV-D agency shall select an available option in consultation with the child's custodian.

(b) In selecting an option in consultation with the child's custodian pursuant to subsection (a) of this section, the IV-D agency shall consider, at a minimum, the cost, comprehensiveness, and accessibility of the health insurance coverage. For the purposes of this section, health insurance coverage shall be considered accessible if, based on the work history of the parent providing the coverage, it will be available for at least one year, and if the child lives within the geographic area covered by the plan or within 30 minutes or 30 miles of primary care services.

(c) The IV-D agency shall notify the health insurer of its selection promptly after the health insurer provides the IV-D agency with the information required under § 46-251.05(d).

(Mar. 30, 2004, D.C. Law 15-130, § 106, 51 DCR 1615; Mar. 20, 2008, D.C. Law 17-128, § 3(b), 55 DCR 1525.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 17-128 rewrote subsec. (b), which had read as follows:

"(b) In selecting an option in consultation with the child's custodian pursuant to subsection (a) of this section, the IV-D agency shall consider, at a minimum, the cost, comprehensiveness, accessibility, and continuing availability of the health insurance coverage."

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 106 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14- 238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 106 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

*Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 106 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 106 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 106 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 106 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

*Legislative History of Laws*

For D.C. Law 15-130, see notes following § 46-251.01.

For Law 17-128, see notes following § 46-251.01.

## **§ 46-251.07. WITHHOLDING FOR HEALTH INSURANCE COVERAGE.**

(a) When an employer receives notice from a health insurer that a child has been enrolled in health insurance coverage pursuant to a medical support notice or a support order requiring a parent to provide health insurance coverage, the employer shall:

- (1) Withhold from the employee's earnings the employee contributions required to effectuate health insurance coverage for the child in each plan in which the child is enrolled;
- (2) Send the amount withheld to the applicable health insurer within 7 business days after the date the amount would have been next paid or credited to the employee;
- (3) Continue to withhold premiums for health insurance coverage from the employee's earnings on a regular and consistent basis and pay the premiums to the health insurer; and
- (4) Send each additional payment to the health insurer on the same date that the employee is compensated.

(b) Withholding for health insurance coverage shall not exceed the limitations set forth in § 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(c) Nothing in this subchapter shall alter the obligation of an obligor, obligee, employer, or other person or entity to comply with the provisions for the withholding of earnings or other income stated in subchapter I of Chapter 2 of this title.

(Mar. 30, 2004, D.C. Law 15-130, § 107, 51 DCR 1615.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 107 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 107 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

#### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 107 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 107 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 107 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 107 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

#### *Legislative History of Laws*

For D.C. Law 15-130, see notes following § 46-251.01.

## **§ 46-251.08. PRIORITY OF WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS TO HEALTH INSURANCE COVERAGE.**

(a) If there are insufficient funds available within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), to meet the employee's contribution necessary for the coverage of each child included in a support order and to comply with a notice or order to withhold received pursuant to § 46-212, the employer shall allocate the funds available according to the following priority, unless the court directs otherwise:

- (1) Current child and spousal support;
- (2) Health insurance premiums or current cash medical support;
- (3) Arrearages for current support and current cash medical support; and
- (4) Other child support obligations.

(b) If an employer is required to withhold earnings or employee contributions for health insurance coverage pursuant to more than one support order, the employer shall prorate among the support orders subject to withholding the amount of the employee's earnings that are available for withholding within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. §



1673(b)), and determine whether the available earnings are sufficient to satisfy current cash support due under all applicable support orders. The employer shall not withhold contributions for health insurance coverage required under any support order until all the employee's current cash support obligations are satisfied. The employer shall fully satisfy each priority level stated in subsection (a) of this section for all of the employee's support orders before applying payments to an obligation with a lesser priority.

(c) An employer shall apply the law of the employee's principal place of employment in determining the limitations and priorities applicable to the withholding of employee contributions for health insurance coverage.

(Mar. 30, 2004, D.C. Law 15-130, § 108, 51 DCR 1615; Mar. 20, 2008, D.C. Law 17-128, § 3(c), 55 DCR 1525.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-128 rewrote the section which had read as follows:

"(a) If withholding of both the full amount of current cash support and the full amount of an employee's contributions for health insurance coverage for a child included in a medical support notice or a support order requiring a parent to provide health insurance coverage exceeds the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), then current cash support shall receive priority and shall be withheld in full prior to any withholding being made for employee contributions for health insurance coverage.

"(b) If the full amount of current cash support and the full amount of employee contributions for health insurance coverage can be withheld within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673 (b)), the employer shall withhold earnings for additional cash amounts that are subject to withholding after the employee's obligations for current cash support and contributions for health insurance coverage are satisfied.

"(c) If an employer is required to withhold earnings or employee contributions for health insurance coverage pursuant to more than one support order, the employer shall prorate among the support orders subject to withholding the amount of the employee's earnings that are available for withholding within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), and determine whether the available earnings are sufficient to satisfy current cash support due under all applicable support orders. The employer shall not withhold contributions for health insurance coverage required under any support order until all the employee's current cash support obligations are satisfied.

"(d) An employer shall apply the law of the employee's principal place of employment in determining the limitations and priorities applicable to the withholding of employee contributions for health insurance coverage."

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 108 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14- 238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 108 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 108 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 108 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 108 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 108 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

##### *Legislative History of Laws*

For D.C. Law 15-130, see notes following § 46-251.01.

For Law 17-128, see notes following § 46-251.01.

## **§ 46-251.09. LIABILITY FOR CONTRIBUTIONS TO HEALTH INSURANCE COVERAGE; OBJECTIONS TO WITHHOLDING.**

(a) An employee is liable for employee contributions required to enroll a child in health insurance coverage pursuant to a medical support notice or a support order, except that an employee may contest a withholding for employee contributions for health insurance coverage based on a mistake of fact.

(b) An employee may contest a withholding for employee contributions for health insurance coverage by filing a motion to quash the withholding with the Superior Court of the District of Columbia, with service upon the IV-D agency if the withholding was commenced pursuant to a medical support notice. The employee shall file the motion within 15 days after the date the first employee contributions for health insurance coverage are withheld from the employee's earnings.

(c) The only grounds for contesting a withholding based on a mistake of fact under this section are:

(1) The identity of the employee;

(2) The accuracy of the amount of the employee contributions withheld to enroll the child in the health insurance coverage;

(3) The existence of an underlying support order requiring the employee to provide health insurance coverage for the child; and

(4) Whether the amount withheld for health insurance coverage exceeds the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(d) Enrollment of a child in health insurance coverage and withholding of the employee's contributions for health insurance coverage shall not be stayed or terminated until the employer receives written notice that the contest has been resolved in the employee's favor.

(e) Nothing in this section shall be construed to limit an employee's right to contest an underlying support order requiring the employee to provide health insurance coverage for a child.

(Mar. 30, 2004, D.C. Law 15-130, § 109, 51 DCR 1615.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 109 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14-238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 109 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 109 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 109 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 109 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 109 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

##### *Legislative History of Laws*

For D.C. Law 15-130, see notes following § 46-251.01.

## **§ 46-251.10. SANCTIONS; LIMITATIONS ON LIABILITY.**

(a) An employer shall not discharge, refuse to employ, or take disciplinary action against a parent or employee based on the parent or employee's obligation to provide health insurance coverage for a child under a medical support notice or a support order.

(b) There shall be a rebuttable presumption that an employer who engages in conduct described in subsection (a) of this section, within 90 days from the date of receipt of the medical support notice or the support order, is in violation of this section and may be subject to the sanctions in subsection (c) of this section.

(c) Any employer who engages in conduct described in subsection (a) of this section shall be subject to a civil penalty of up to \$10,000. An employee, a parent, or the IV-D agency may bring a civil action against an employer who violates subsection (a) of this section. A civil penalty obtained under this section shall be used to offset the employee's duty of support.

(d) If an employer fails to withhold an employee contribution for health insurance coverage or fails to send a withheld contribution to the health insurer as required by § 46-251.08, a judgment shall be entered against the employer for the amount not withheld or paid to the health insurer, and for any reasonable counsel fees and court costs incurred by the employee, a parent, the health insurer, or the IV-D agency as a result of the failure to withhold or make payment.

(e) An employer shall be liable for unreimbursed health care expenses incurred by or on behalf of a child as a result of the employer's failure to comply with the requirements of this subchapter or § 1-307.42.

(f) A health insurer shall be liable for unreimbursed health care expenses incurred by or on behalf of a child as a result of the health insurer's failure to comply with the requirements of this subchapter or § 1-307.41.

(g) Neither an employer nor a health insurer shall be subject to liability under subsections (d), (e), or (f) of this section if the employer or health insurer proves by a preponderance of the evidence that the failure to comply was due to exigent circumstances beyond the control of the employer or health insurer.

(h) Neither an employer nor a health insurer who complies, in accordance with the requirements of this subchapter, with a medical support notice or a support order that is regular on its face shall be subject to civil liability to an individual or entity for conduct in compliance with the medical support notice or support order.

(Mar. 30, 2004, D.C. Law 15-130, § 110, 51 DCR 1615.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 110 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2002 (D.C. Law 14- 238, March 25, 2003, law notification 50 DCR 2751).

For temporary (225 day) addition of section, see § 110 of Medical Support Establishment and Enforcement Temporary Amendment Act of 2003 (D.C. Law 15-84, March 10, 2004, law notification 51 DCR 3376).

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see § 110 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) addition of this section, see § 110 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) addition of this section, see § 110 of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) addition of this section, see § 110 of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

##### *Legislative History of Laws*

For D.C. Law 15-130, see notes following § 46-251.01.