

# ENROLLMENT(S)

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# COUNCIL OF THE DISTRICT OF COLUMBIA

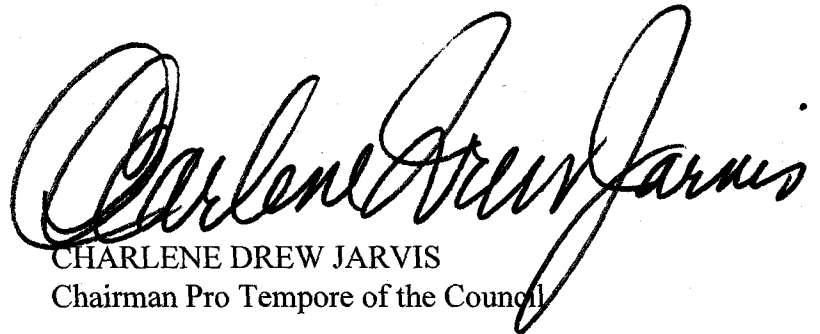
## NOTICE

### D.C. LAW 11- 170

#### "Child Support Enforcement Amendment Act of 1996".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-288, on first and second readings, June 4, 1996 and July 3, 1996, respectively. Following the signature of the Mayor on July 19, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-317, and published in the August 23, 1996, edition of the D.C. Register (Vol. 43 page 4480) and transmitted to Congress on January 10, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-170, effective April 9, 1997.



CHARLENE DREW JARVIS  
Chairman Pro Tempore of the Council

#### Dates Counted During the 30-day Congressional Review Period:

Feb. 3,4,5,6,7,10,11,12,13,24,25,26,27,28  
Mar. 3,4,5,6,10,11,12,13,14,17,18,19,20,21  
Apr. 7,8

AN ACT  
D.C. ACT 11-317

*Codification  
District of  
Columbia  
Code  
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 1996

To amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to require the court to base findings of good cause not to impose immediate withholding of earnings or income for child support on a written determination that immediate withholding is not in the best interest of the child, and, in cases where support orders are being modified, to also require proof of timely payment of previously ordered child support; to require child support court orders to include a provision that directs absent parents to keep the IV-D Program informed of the parent's health insurance coverage and policy information; to require the court to issue to the absent parent advance notice of intent to impose wage withholding in cases where wages are not subject to immediate withholding; to require the court to issue to employers a notice to withhold within 15 calendar days of the date of the support order in the case of immediate withholding; and to establish notice requirements consistent with federal law in interstate withholding cases where the District of Columbia is the initiating or responding state.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Support Enforcement Amendment Act of 1996".

Sec. 2. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code § 30-501 *et seq.*), is amended as follows:

(a) Section 6 (D.C. Code § 30-505) is amended as follows:

- (1) By striking the word "and" at the end of the paragraph (1);
- (2) By adding a new paragraph (1A) to read as follows:

"(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

Section  
30-505

**ENROLLED ORIGINAL**

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;"

(3) By striking the period at the end of paragraph (2) and inserting the phrase "; and" in its place; and

(4) By adding a new paragraph (3) to read as follows:

"(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."

(b) Section 8(b) (D.C. Code § 30-507(b)) is amended as follows:

Section  
30-507

(1) Paragraph (3) is amended by striking the word "and" at the end.

(2) Paragraph (4)(B) is amended by striking the period at the end and inserting a semicolon in its place.

(3) New paragraphs (5) and (6) are added to read as follows:

"(5) 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

"(6) 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) Section 10 (D.C. Code § 30-509) is amended by adding a new subsection (d) to read as follows:

Section  
30-509

"(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)

**ENROLLED ORIGINAL**

of this section."

(d) Section 12 (D.C. Code § 30-511) is amended as follows:

**Section  
30-511**

(1) A new subsection (a-1) is added to read as follows:

"(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."

(2) The lead-in language of subsection (b) is amended by striking the phrase "subsection (a)" and inserting the phrase "subsections (a) and (a-1)" in its place.

(e) Section 23 (D.C. Code § 30-522) is amended as follows:

**Section  
30-522**

(1) The lead-in language of subsection (a)(3) is amended to read as follows:

"(3) The Clerk of the Court shall issue a notice to withhold pursuant to section 12 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 section 10, which shall include the following:"

(2) Subsection (d) is amended by inserting, after the second sentence, the following sentence: "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."

(f) Section 24 (D.C. Code § 30-523) is amended as follows:

**Section  
30-523**

(1) By designating the existing text as subsection (a); and

(2) By adding a new subsection (b) to read as follows:

"(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;

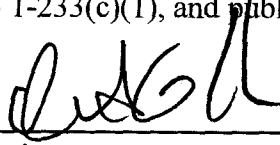
and

"(4) If appropriate, a sworn statement of the obligee or certified statement of the IV-D agency of the arrearages."

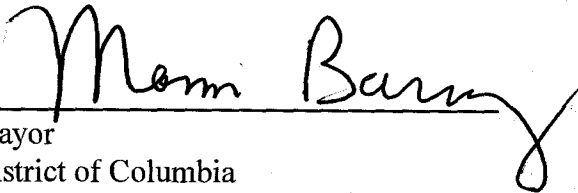
Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

**ENROLLED ORIGINAL**

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1), and publication in the District of Columbia Register.



\_\_\_\_\_  
Chairman  
Council of the District of Columbia



\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED: July 19, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-288

Docket No. \_\_\_\_\_

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 6-4-96

VOICE VOTE  
 RECORDED VOTE ON REQUEST

APPROVED

EVANS AND CHAVOUS

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*July 10, 1996*  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 7-3-96

VOICE VOTE  
 RECORDED VOTE ON REQUEST

APPROVED

CHAVOUS

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*July 10, 1996*  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE  
 RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date