

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** SB 1059

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:**        Quayle, Frederick M.

**3. Committee:** Courts of Justice

**4. Title:**         Child support orders

**5. Summary:** This legislation revises requirements for court and administrative child support orders. The bill amends the requirement for court-issued support orders to contain the following:

- Notice that support must continue to be paid for a child over the age of 18 who is
  - (i) a full-time high school student;
  - (ii) not self-supporting; and
  - (iii) living in the home of the party requesting or receiving support.
- Notice that the order may include support for a child over the age of 18 who is
  - (a) severely and permanently disabled;
  - (b) unable to live independently and care for himself; and
  - (c) residing in the home of the parent seeking or receiving support.
- A provision that the party obligated to provide health care coverage shall keep the Department of Social Services (DSS) informed of any changes in the availability of coverage or, where payments are made directly to the obligee, must keep the obligee informed of any changes in the availability of health coverage
- A provision that the order shall provide for interest on arrearages at the judgment rate; and
- Notice that the Department of Motor Vehicles (DMV) may suspend the license of any person upon receipt of notice from DSS that the person is delinquent in the payment of child support by 90 days or an amount equal to \$5,000 or more, or that the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

The bill amends the requirements for administrative support orders, so that such orders must contain the following:

- A provision specifying that all payments are to be credited to current support obligations first, with any payment in excess of current obligations applied to arrearages;
- The name, date of birth, and last four digits of the social security number of any children and of the other parent must be on the order unless DSS finds that a protective order has been issued or there is reason to believe that a party is at risk of physical or emotional harm from the other party;

- A notice that the debtor may be subject to mandatory withholding of income, interception of tax refunds or payments to the debtor from the Commonwealth, notification of arrearage information to consumer reporting agencies, passport denial or suspension, or incarceration;
- A statement that DMV may suspend or refuse to issue a driver's license upon receipt of notice from DSS that the person is delinquent in the payment of child support by 90 days or an amount equal to \$5,000 or more, or that the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; and
- Notice that DSS may initiate a review of the amount of support ordered by any court.

This bill also provides that the court may suspend any license, certificate, registration, or other authorization to engage in a recreational activity of a parent upon a delinquency in the payment of child support of 90 days or \$5,000 or more.

**6. No Fiscal Impact**

**7. Budget Amendment Necessary:** No

**8. Fiscal Implications:** None

**9. Specific Agency or Political Subdivisions Affected:**

Division of Child Support Enforcement

Department of Motor Vehicles

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** 1/21/2009

**Document:** G:\2009 Fiscal Year\EFIS\SB1059.Doc

cc: Secretary of Health and Human Resources