

2021 SESSION

INTRODUCED

20103993D

SENATE BILL NO. 502

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend and reenact § 63.2-1954 of the Code of Virginia, relating to Department of Social Services; child support enforcement; distribution of support payments.*

Patron—Reeves

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1954 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1954. Distribution of collection.

Support payments received by the Department pursuant to one or more judicial or administrative orders, or a combination thereof, shall be allocated among the obligees under such orders with priority given to payment of the order for current support. Where payments are received pursuant to two or more orders for current support, the Department shall prorate the payments on the basis of any amounts due for current support under each such order. Upon satisfaction of any amounts due for current support, the Department shall prorate the remainder of the payments on the basis of accrued arrearages owed to the obligees under each such order. Payments received pursuant to federal tax refund offset shall be allocated pursuant to subsection h of 45 C.F.R. § 303.72.

In any case in which the Department receives support payments pursuant to one or more judicial or administrative orders, or a combination thereof, the Department shall enter into an agreement with the obligee. Such agreement shall include information regarding the Department's duty to disburse support payments to the obligee and establish a date by which such disbursements shall be made each month. Notice shall be given to the obligor that support payments must be submitted to the Department at least two business days before the date set for disbursement. All support payments received by the Department shall be distributed to the obligee within two business days of receipt, provided that sufficient information accompanies the payment or is otherwise available to the Department within that time to identify the obligee and the place to which distribution should be made. If the Department does not receive a support payment at least two days before the date scheduled for disbursement in its agreement with the obligee, the Department shall issue to the obligee a payment in the amount that would have been distributed to the obligee had the obligor's support payment been timely received. The Department shall have the authority to use any remedies made available under this chapter to recover any funds paid to obligees without receipt of the obligor's support payment.

The term "business day" means any day that is not a Saturday, Sunday, legal holiday or other day on which state offices are closed.

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