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Date: (Filing No. S-)

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 549, L.D. 1650, Bill, “An Act To Repeal the Automatic Suspension of Child Support Obligations”

Amend the bill by striking out the title and substituting the following:

'An Act Concerning the Collection of Child Support Obligations'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, currently child support obligations are automatically suspended during the period a child support obligor receives public assistance; and

Whereas, current law prohibits the collection of child support debts from child support obligors who are receiving public assistance; and

Whereas, lump sum payments to child support obligors should be available for satisfying past-due child support debts, even while obligors are receiving public assistance; and

Whereas, amending the law to allow the interception of lump sum payments will benefit children due child support; and

Whereas, the Department of Health and Human Services will amend its rules to ensure that a child support obligor receiving public assistance does not lose benefits based on a lump sum payment when the lump sum payment is intercepted and used to pay past-due child support; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

COMMITTEE AMENDMENT

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 19-A MRSA §2302, sub-§2,** as enacted by PL 2001, c. 255, §1, is
3 amended to read:

4 **2. Child support obligation during period that obligor is assisted obligor.** For
5 the period during which an obligor is an assisted obligor and for 2 weeks thereafter, the
6 assisted obligor's child support obligation is automatically suspended. At the end of the 2
7 weeks, the obligor's child support obligation resumes automatically at the same level at
8 which it was suspended unless modified by an order entered pursuant to subsection 3.

9 A debt previously incurred under section 2301 may not be collected from a responsible
10 parent while that parent is an assisted obligor, except that such a debt may be collected
11 from nonrecurring lump sum income, as defined in Title 22, section 3762, subsection 11,
12 paragraph A, of a responsible parent while that parent is an assisted obligor.

13 **Emergency clause.** In view of the emergency cited in the preamble, this
14 legislation takes effect July 1, 2012.'

15 **SUMMARY**

16 This amendment replaces the bill. The bill repeals the law that automatically
17 suspends child support obligations while the obligor receives public assistance. This
18 amendment allows the Department of Health and Human Services to intercept, while the
19 obligor is receiving public assistance, tax refunds, lottery winnings and other lump sum
20 awards to be applied to prior child support debts incurred by the obligor. Current law
21 prohibits such collections.

22 This amendment replaces the emergency preamble and emergency clause to make the
23 law take effect July 1, 2012.