

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 796

H. P. 643

House of Representatives, February 27, 1979

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hickey of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Centralize the Administration of Uniform Reciprocal Enforcement of Support Act Petitions Filed in the State of Maine by the Official Child Support Agency of Another State.

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

Sec. 1. 19 MRSA § 332, sub-§ 10 is enacted to read:

10. Title IV-D case. "Title IV-D case" refers to an action initiated by any state or state agency responsible for enforcing child support obligations pursuant to United States Code, Title 42, section 651, et seq., as amended.

Sec. 2. 19 MRSA § 403, as amended by PL 1971, c. 393, § 12, is repealed and the following enacted in its place:

§ 403. Order of support

If the court of the responding state finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to that order. Support orders made pursuant to this Act shall require that payments be made to the clerk of the court of the responding state. If the matter is a Title IV-D case, support orders made pursuant to this Act shall require that payments be made to the cashier section of the Department of Human Services. For Title IV-D cases in which the responding court has previously established a support order, the department shall not be required to seek an

amendment to the support order in order to direct payments to the Department of Human Services. The obligor shall commence payment to the State upon notice from the department. The court and district attorney of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the district attorney shall send a certified copy of the order to the district attorney of any county in which it appears that proceedings would be effective. The district attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

Sec. 3. 19 MRSA § 406, as amended by PL 1971, c. 393, § 14, is repealed and the following enacted in its place:

§ 406. Additional duties of court in this State when acting as responding state

The court of this State when acting as responding state shall have the following duties which may be carried out through the clerk of the court, except in Title IV-D cases, which shall be carried out through the Department of Human Services:

1. Transmit payments. Upon receipt of a payment made by the obligor pursuant to any order of the court or otherwise, to transmit the same to the court of the initiating state or a Title IV-D agency in the initiating state; and
2. Certified statement of payments. Upon request to furnish to the court of the initiating state, or a Title IV-D agency in the initiating state, a certified statement of all payments made by the obligor.

STATEMENT OF FACT

Federal law requires the State to assist and cooperate with other states in establishing and collecting child support obligations in behalf of nonresident children whose responsible parent resides in the State.

This bill centralizes the administration of uniform reciprocal petitions filed in Maine by the official child support enforcement agency in another state.

This centralization will enable the Department of Human Services to utilize its computer to maintain an accurate record of all Uniform Reciprocal Enforcement of Support Acts filed in Maine, receive and monitor all support payments due and payable, identify nonpaying respondents, issue delinquency notices, transmit payments to other states, accurately calculate incentive payments due the department and generally facilitate Maine's compliance with federal law.

The costs that will be incurred by these changes will be \$14,090.87 over the next biennium for additional clerical help to carry out the intent of this legislation. It is anticipated that the 15% incentive payment which will be realized from the collections made in welfare related cases will offset any costs incurred. Consequently, no appropriation of funds will be necessary. Authorization to establish one clerk-typist II position is requested.