

MAINE STATE LEGISLATURE

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L.D. 1110

DATE: 5/5/99

(Filing No. H-462)

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 787, L.D. 1110, Bill, "An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 19-A MRSA §2107, as reallocated by RR 1997, c. 1, §16, is repealed and the following enacted in its place:

§2107. Credit for dependent benefits

If a child receives dependent benefits as a result of the obligor parent's disability, any tribunal establishing, reviewing or modifying the child support obligation or debt shall give the obligor parent credit for the dependent benefits paid to the child.

1. Calculation of child support obligation; order. The tribunal shall calculate the obligor's child support obligation and issue a child support order pursuant to the child support guidelines in chapter 63. The obligation may not be reduced by the dependent benefits paid to the child.

2. Findings; credit for benefits paid. The tribunal shall make the following findings:

A. That the child currently receives dependent benefits as a result of the obligor parent's disability;

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2 B. That the receipt of these benefits satisfied part or all
of the obligation; and

4 C. That the obligor must receive credit against the
established obligation for the benefits received. Credit
may not exceed the amount of the current obligation for the
period for which the benefits are paid. Credit may not be
given toward a past or future obligation for dependent
benefits that exceed the current obligation.'

12 **SUMMARY**

14 This amendment replaces the bill.

16 This amendment replaces the current law concerning a child's
18 receipt of dependent benefits that are based on the disability of
the parent obligated to pay child support. This amendment
20 clarifies that credit for the payment of dependent benefits
applies to child support obligations established administratively
or by the court.

22 The child support amount may not be reduced because of the
24 payment of the dependent benefits. The obligor parent receives
credit for the amount of dependent benefits paid, thereby
26 reducing the amount of child support the obligor parent must
pay. The credit may not exceed the child support obligation.