

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 202

H.P. 179

House of Representatives, January 27, 2011

### An Act To Modify Child Support Enforcement Procedures

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative NASS of Acton.  
Cosponsored by Senator ROSEN of Hancock and  
Representatives: BENNETT of Kennebunk, HARVELL of Farmington, STEVENS of Bangor,  
WEBSTER of Freeport, Senator: CRAVEN of Androscoggin.

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

2 **Sec. 1. 14 MRSA §3128-A, sub-§3**, as enacted by PL 1995, c. 419, §8, is  
3 amended to read:

4 **3. Duration.** The order continues in effect ~~for 6 months or~~ until the obligor finds  
5 work, ~~whichever occurs first.~~

6 **Sec. 2. 19-A MRSA §2006, sub-§5, ¶C**, as amended by PL 2009, c. 290, §13, is  
7 further amended to read:

8 C. The subsistence needs of the nonprimary care provider must be taken into account  
9 when establishing the parental support obligation. If the annual gross income of the  
10 nonprimary care provider is less than the federal poverty guideline, the nonprimary  
11 care provider's weekly parental support obligation ~~for each child for whom a support~~  
12 ~~award is being established or modified~~ may not exceed 10% of the nonprimary care  
13 provider's weekly gross income, regardless of the amount of the parties' combined  
14 annual gross income. The child support table includes a self-support reserve for  
15 obligors earning \$22,800 or less per year. If, within an age category, the nonprimary  
16 care provider's annual gross income, without adjustments, is in the self-support  
17 reserve for the total number of children for whom support is being determined, the  
18 amount listed in the self-support reserve multiplied by the number of children in the  
19 age category is the nonprimary care provider's support obligation for the children in  
20 that age category, regardless of the parties' combined annual gross income. The  
21 nonprimary care provider's proportional share of childcare, health insurance  
22 premiums and extraordinary medical expenses are added to this basic support  
23 obligation. This paragraph does not apply if its application would result in a greater  
24 support obligation than a support obligation determined without application of this  
25 paragraph.

26 **Sec. 3. 19-A MRSA §2369, first ¶**, as amended by PL 2001, c. 264, §12, is  
27 further amended to read:

28 The receipt of public assistance for a child constitutes an assignment by the recipient  
29 to the department of all rights to support for the child and spousal support, ~~including any~~  
30 ~~support unpaid at the time of assignment, as long as public assistance is paid~~ that accrue  
31 during the period that the recipient receives public assistance for the child.

32 **SUMMARY**

33 This bill amends several child support enforcement provisions. It:

34 1. Eliminates the 6-month limitation on a court order for a child support obligor to  
35 seek employment;

36 2. Changes the child support guidelines from requiring that the support obligation of  
37 a nonprimary care provider who earns less than the federal poverty guidelines may not  
38 exceed 10% of the nonprimary care provider's weekly gross income for each child for  
39 whom support is awarded to requiring that the support obligation may not exceed 10% of

1 the nonprimary care provider's weekly gross income regardless of the number of  
2 children; and

3 3. Limits the assignment of child support received by a recipient of public assistance  
4 to only that support that accrues during the period that the recipient receives public  
5 assistance.