

CHAPTER 51
FORMERLY
HOUSE BILL NO. 81

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, of Title 13, of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline:

§ 513 Judgment; order of support; other terms.

(b)(1) Where a duty to support or to provide medical support has been determined to exist and a new or modified support order is established, and regardless of whether support or medical support payments are in arrears, the court shall attach the obligor's income, if any, as of the effective date of the order, for payment of support or premiums for health insurance coverage except that such income shall not be subject to such withholding under this paragraph in any case where:

(8)a. Upon receipt of a certified copy of income withholding from the court or copy from the Division of Child Support Services, the employer shall deduct the specified sum, which may include a fee, established by the State, to be paid to the employer, unless waived by the employer, from the income due the obligor-employee and shall, at or before the time the obligor-employee is paid, ~~mail or otherwise deliver the said deduction for support~~ send payments to the Division of Child Support Services or the obligee, as directed, and pay the health insurance premium amount deducted directly to the health insurer, and shall continue to do so for so long as the obligor remains in the employer's employ or until the court orders otherwise; provided, however, that when an employer receives an income withholding order issued by another state, the employer shall apply the law of the state of the obligor's principal place of employment in determining the factors enumerated in § 411(d) of this title. The withholding shall be effective with regard to any payment by the employer to the obligor after a reasonable time to give effect to the withholding, but in no event shall such withholding be delayed more than 7 days after the first pay-day following receipt of the wage attachment. In every case, the remittance shall be ~~by check or money order~~ payable as directed and the remittance shall specify the obligor-employee's name and Social Security number. In the event the employer is withholding from more than 1 employee, and the payee is the Division of Child Support Services, payment for the total amount may be remitted by a single ~~check~~ payment. Upon the termination of the obligor's employment, the employer shall notify the court, or the Division of Child Support Services if the order of income withholding or National Medical Support Notice was served by the Division, of said termination and shall provide the court, or the Division if the order of income withholding or National Medical Support Notice was served by the Division, with the obligor-employee's last known address, along with the name and address of the obligor's future employer, if known. If the obligor contests such withholding, the employer must initiate withholding until such time as the employer receives notice that the contest is resolved.

b.1. An employer with 50 or more employees directed to send payments to the Division of Child Support Services must remit payment required under this section by electronic funds transfer and electronic data interchange at or before the time the obligor-employee is paid.

2. An employer with fewer than 50 employees may remit a payment required under this section by electronic funds transfer and electronic data interchange. A payment remitted by the employer electronically must be made at or before the time the obligor-employee is paid.

Section 2. This Act shall go into effect 90 days after its enactment.

Approved June 19, 2019