

CHAPTER 307  
FORMERLY  
SENATE BILL NO. 273

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 § 513(b)(5) of Title 13 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 513. Judgment; order of support; other terms.

(5) For purposes of Chapters 4, 5 and 6 of this title, "income" is defined as

a. any periodic form of payment due to an individual, regardless of source, including, but not limited to, wages, salary, commission, vacation pay, severance pay, bonuses, compensation as an independent contractor, workers' compensation, disability, sick pay, SUB benefits, medical benefits, unemployment compensation, railroad retirement, pensions, annuity and retirement benefits; or

b. any lump sum payment due to an individual from an employer;

c. provided, however, that income excludes:

a. 1. Any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, state and local taxes, Social Security and other mandatory retirement and disability contributions;

b. 2. Union dues;

c. 3. Any amounts exempted by federal law;

d. 4. Public assistance payments; and

e. 5. Tax refunds, which shall be governed by §§ 1205-1209 [repealed] of Title 30 and § 454 of the Social Security Act (42 U.S.C. § 654).

Section 2: Amend § 2205(a)(7) of Title 13 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 2205 Administrative authority.

(a) In all cases enforced under Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), the Division of Child Support Enforcement is authorized to take the following actions for the purpose of establishing paternity or establishing, modifying or enforcing a support order, without the necessity of obtaining a Court order:

(1) Order genetic testing for the purpose of establishing paternity;

(2) Request, and obtain access to, information on the employment, residential address, social security number, compensation and benefits of any employee or contractor of an entity in the State, including for-profit, nonprofit and governmental employers, and any member of a labor organization;

(3) Request, and obtain access to, information contained in the records of state and local government agencies regarding a putative father, an obligor or an obligee, which includes, but is not limited to, the following:

a. State income tax returns and all other state income tax information including, but not limited to, documents or records provided in support of a tax return by an employer, financial institution, or other holder or source of income;

b. Division of Motor Vehicles information including, but not limited to, proper name spelling, physical description, date of birth, location and date of last contact with the Division of Motor Vehicles, license expiration date, vehicle registration, violations and warrants;

c. Public housing authority records;

d. Vital statistics records and information including, but not limited to, birth, marriage, divorce and death records;

e. Criminal history record information including, but not limited to, arrest, conviction, incarceration, parole and employment information;

f. Credit bureau information including, but not limited to, credit history and locations and dates of credit application;

g. Deed or title registry records; and

h. Any other information deemed necessary by the Division to assist in administering the child support program;

(4) Request, and obtain access to, information contained in the records of financial institutions with respect to individuals who owe or are owed support (or against or with respect to whom a support obligation is sought);

(5) Issue an administrative subpoena to any individual, state or local government agency, private company, institution or other entity seeking financial or other information needed to establish paternity or to establish, modify or enforce a support order;

(6) Issue an administrative subpoena, pursuant to paragraph (a)(5) of this section, seeking the name, social security number, residential address, employer and employment address of any parent or custodian that appears in the customer records of a public utility or a cable television company;

(7) Order income withholding pursuant to § 513(b)(12) of this title; ~~and~~ , including income withholding against a lump sum payment to satisfy any arrears or retroactive support, where the lump sum payment is not included in the existing calculation of support; and

(8) Institute collection procedures pursuant to § 2207 of this title.

Approved July 05, 2012