

LAWS OF DELAWARE
VOLUME 84
CHAPTER 240
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 187

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT.

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

Section 1. Amend § 4803, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4803. Definitions.

(v) “Qualified ~~video~~ lottery prize” shall mean any video ~~lottery~~ lottery, sports lottery, table game, or charitable gaming organization prize paid by cash or check for which a W-2G is issued ~~equal to or in excess of~~ \$1,200 (but less any amounts withheld for income taxes).

Section 2. Amend § 4838, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4838. Delinquent child support.

(a) The Director of the Division of Child Support Services, Department of Health and Social Services shall enter into a cooperative agreement with the Director and the operator of each video lottery or charitable gaming organization facility within this State whereby the Director of the Division of Child Support Services shall provide information regarding individuals with a qualified child support obligation for the purpose of satisfying such obligation in part or in whole with any qualified ~~video~~ lottery prizes won by such individuals. Prior to awarding any qualified ~~video~~ lottery prize, an operator of a video lottery facility shall determine if the winner of such prize owes a qualified child support obligation. In the event that a qualified child support obligation is owed, such prize shall be reduced by:

(1) One hundred percent in the event that the qualified ~~video~~ lottery prize is less than or equal to the qualified child support obligation; or

(2) ~~By the~~ The amount of the qualified child support obligation in the event that the qualified ~~video~~ lottery prize exceeds the qualified child support obligation.

Any remaining amounts shall be awarded to the qualified ~~video~~ lottery prize winner.

(b) The specific information and the manner and frequency with which it is made available or otherwise exchanged between the Division of Child Support Services, the Director and each operator of a video lottery facility in this State shall be as determined by each cooperative agreement, but such cooperative agreement must specify:

(1) That the Division of Child Support Services shall make available or otherwise provide or update information at least once each calendar month;

(2) That the operator of a video lottery facility shall make use of automated data exchanges to the maximum extent feasible and will remit to the Division of Child Support Services those qualified ~~videe~~ lottery prizes that offset qualified child support obligations as set forth in the written agreements;

(3) The procedure by which the operator of a video lottery facility will remit to the Division of Child Support Services those qualified ~~videe~~ lottery prizes that offset qualified child support obligations;

(4) That the operator of the video lottery facility will provide the qualified prize winner written notice of the amount withheld from the qualified ~~videe~~ lottery prize and instructions for contesting an intercept directly to the Division of Child Support Services; and

(5) Any such other matters as the parties to such an agreement shall deem necessary to carry out the provisions of this section.

(c) An operator of a video lottery facility shall not be liable under any state law to any person or government agency ~~for~~ for any of the following:

(1) Any disclosure of information to the Division of Child Support Services under this ~~section;~~ section.

(2) As provided in § 513(c)(4) of Title 13, with regard to any order of child support made payable to the Division, the Division's records shall be presumptive of the payment or nonpayment of each installment ~~payment;~~ payment.

(3) Any other action or omission taken in good faith to comply substantially with the requirements of this section.

(d) The Director shall promulgate such rules and regulations as is deemed necessary to carry out the provisions of this section.

Approved October 18, 2023