



SPONSOR: Rep. Bentz & Sen. Townsend
Reps. Baumbach, Bennett, Bolden, Brady, Chukwuocha,
Cooke, Griffith, Heffernan, Jaques, Lynn, Osienski,
D. Short; Sens. Ennis, Hansen, Sokola

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

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:

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

3 § 513 Judgment; order of support; other terms.

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

9 (8)a. Upon receipt of a certified copy of income withholding from the court or copy from the Division of
10 Child Support Services, the employer shall deduct the specified sum, which may include a fee, established by the State,
11 to be paid to the employer, unless waived by the employer, from the income due the obligor-employee and shall, at or
12 before the time the obligor-employee is paid, ~~mail or otherwise deliver the said deduction for support~~ send payments to
13 the Division of Child Support Services or the obligee, as directed, and pay the health insurance premium amount
14 deducted directly to the health insurer, and shall continue to do so for so long as the obligor remains in the employer's
15 employ or until the court orders otherwise; provided, however, that when an employer receives an income withholding
16 order issued by another state, the employer shall apply the law of the state of the obligor's principal place of
17 employment in determining the factors enumerated in § 411(d) of this title. The withholding shall be effective with
18 regard to any payment by the employer to the obligor after a reasonable time to give effect to the withholding, but in no
19 event shall such withholding be delayed more than 7 days after the first pay-day following receipt of the wage
20 attachment. In every case, the remittance shall be ~~by check or money order~~ payable as directed and the remittance shall
21 specify the obligor-employee's name and Social Security number. In the event the employer is withholding from more
22 than 1 employee, and the payee is the Division of Child Support Services, payment for the total amount may be

23 remitted by a single ~~check~~ payment. Upon the termination of the obligor's employment, the employer shall notify the
24 court, or the Division of Child Support Services if the order of income withholding or National Medical Support Notice
25 was served by the Division, of said termination and shall provide the court, or the Division if the order of income
26 withholding or National Medical Support Notice was served by the Division, with the obligor-employee's last known
27 address, along with the name and address of the obligor's future employer, if known. If the obligor contests such
28 withholding, the employer must initiate withholding until such time as the employer receives notice that the contest is
29 resolved.

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

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

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

SYNOPSIS

This Bill clarifies language allowing for the direct deposit of child support owed and collected by employers from individuals under a support order from the Family Court. In addition, this Bill requires employers who have 50 or more employees to send payments to the Division of Child Support Services by electronic funds transfer and allows employers with less than 50 employees to do the same. Finally, the bill requires payments made via electronic transfer to be made before or at the time the employee is paid.