

103^D CONGRESS
2^D SESSION

H. R. 4897

To provide for more effective child support enforcement.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1994

Mr. COOPER (for himself and Mr. GORDON) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To provide for more effective child support enforcement.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Support Enforce-
5 ment Act of 1994”.

6 **SEC. 2. SEIZURE OF LOTTERY WINNINGS, SETTLEMENTS,**

7 **PAYOUTS, AND SALE OF FORFEITED PROP-**

8 **ERTY TO PAY CHILD SUPPORT ARREARAGES.**

9 Section 466(a) of the Social Security Act (42 U.S.C.
10 666(a)) is amended by inserting after paragraph (11) the
11 following:

1 “(12) Procedures under which a lien is imposed
2 against property with the following effect:

3 “(A) The distributor of winnings from a
4 State lottery or State-sanctioned or tribal-sanctioned
5 gambling house or casino shall—

6 “(i) suspend payment of the winnings
7 from the person otherwise entitled to the
8 payment until an inquiry is made to and a
9 response is received from the State child
10 support enforcement agency as to whether
11 the person owes a child support arrearage;

12 “(ii) withhold from the payment the
13 lesser of the amount of the payment or the
14 amount of the arrearage; and

15 “(iii) pay the amount withheld to the
16 agency for distribution.

17 “(B) The person required to make a pay-
18 ment under a policy of insurance or a settle-
19 ment of a claim made with respect to the policy
20 shall—

21 “(i) suspend the payment until an in-
22 quiry is made to and a response received
23 from the State agency as to whether the
24 person otherwise entitled to the payment
25 owes a child support arrearage; and

1 “(ii) if there is such arrearage—

2 “(I) withhold from the payment
3 the lesser of the amount of the pay-
4 ment or the amount of the arrearage;
5 and

6 “(II) pay the amount withheld to
7 the State agency for distribution.

8 “(C) The payor of any amount pursuant to
9 an award, judgment, or settlement in any ac-
10 tion brought in Federal or State court shall—

11 “(i) suspend the payment until an in-
12 quiry is made to and a response received
13 from the State agency as to whether the
14 person otherwise entitled to the payment
15 owes a child support arrearage; and

16 “(ii) if there is such arrearage—

17 “(I) withhold from the payment
18 the lesser of the amount of the pay-
19 ment or the amount of the arrearage;
20 and

21 “(II) pay the amount withheld to
22 the State agency for distribution.

23 “(D) If the State seizes property forfeited
24 to the State by an individual by reason of a
25 criminal conviction, the State shall—

1 “(i) hold the property until an inquiry
2 is made to and a response received from
3 the State agency as to whether the person
4 otherwise entitled to the payment owes a
5 child support arrearage; and

6 “(ii) if there is such arrearage—

7 “(I) sell the property; and

8 “(II) after satisfying the claims
9 of all other private or public claimants
10 to the property and deducting from
11 the proceeds of the sale the attendant
12 costs (such as for towing, storage, and
13 the sale), pay the lesser of the remain-
14 ing proceeds or the amount of the ar-
15 rearage directly to the State agency
16 for distribution.

17 “(E) Any person required to make pay-
18 ment in respect to a decedent shall—

19 “(i) suspend the payment until an in-
20 quiry is made to and a response received
21 from the State agency as to whether the
22 person otherwise entitled to the payment
23 owes a child support arrearage; and

24 “(ii) if there is such an arrearage—

1 “(I) withhold from the payment
2 the lesser of the amount of the pay-
3 ment or the amount of the arrearage;
4 and

5 “(II) pay the amount withheld to
6 the State agency for distribution.”.

7 **SEC. 3. RESTRICTIONS RELATING TO PROFESSIONAL, OC-**
8 **CUPATIONAL, BUSINESS, AND DRIVER’S LI-**
9 **CENSES.**

10 Section 466(a) of the Social Security Act (42 U.S.C.
11 666(a)), as amended by section 2 of this Act, is amended
12 by inserting after paragraph (12) the following:

13 “(13) Procedures under which the State occu-
14 pational licensing and regulating departments and
15 agencies may not issue or renew any occupational,
16 professional, or business license of—

17 “(A) a noncustodial parent who is the sub-
18 ject of an outstanding failure to appear war-
19 rant, capias, or bench warrant related to a child
20 support proceeding that appears on the State’s
21 crime information system; and

22 “(B) an individual who is delinquent in the
23 payment of child support, until the individual
24 owed such support or a State prosecutor re-
25 sponsible for child support enforcement con-

1 sents to, or a court that is responsible for the
2 enforcement of the order requiring the payment
3 of such support orders the release of the hold
4 on the license, or an expedited inquiry and re-
5 view is completed while the individual is grant-
6 ed a 60-day temporary license.

7 “(14) Procedures under which the State motor
8 vehicle department—

9 “(A) may not issue or renew the driver’s li-
10 cense or any vehicle registration (other than
11 temporary) of any noncustodial parent who is
12 the subject of an outstanding failure to appear
13 warrant, capias, or bench warrant related to a
14 child support proceeding that appears on the
15 State’s crime information system;

16 “(B) upon receiving notice that an individ-
17 ual to whom a State driver’s license or vehicle
18 registration has been issued is the subject of a
19 warrant related to a child support proceeding,
20 shall issue an order to the individual requiring
21 the individual to demonstrate why the individ-
22 ual’s driver’s license or vehicle registration
23 should not be suspended until the warrant is re-
24 moved by the State responsible for issuing the
25 warrant; and

1 “(C) in any case in which an order has
2 been issued as described in subparagraph (B),
3 may grant a temporary license or vehicle reg-
4 istration to the individual pending compliance
5 with the order or the removal of the warrant,
6 whichever occurs first.”.

7 **SEC. 4. ATTACHMENT OF BANK ACCOUNTS.**

8 Section 466(a) (42 U.S.C. 666(a)), as amended by
9 sections 2 and 3 of this Act, is amended by inserting after
10 paragraph (14) the following:

11 “(15) Procedures under which—

12 “(A) amounts on deposit in an account
13 maintained at a Federal depository institution
14 (as defined in section 3(c)(4) of the Federal
15 Deposit Insurance Act) or State depository in-
16 stitution (as defined in section 3(c)(5) of such
17 Act) may be seized to satisfy child support ar-
18 rearages determined under a court order or an
19 order of an administrative process established
20 under State law, solely through an administra-
21 tive process, pending notice to and an expedited
22 opportunity to be heard from the account hold-
23 er or holders; and

24 “(B) if the account holder or holders fail
25 to successfully challenge the seizure (as deter-

1 mined under State law), the institution may be
2 required to pay from the account to the entity
3 with the right to collect the arrearage the lesser
4 of the amount of the arrearage or the amount
5 on deposit in the account.”.

6 **SEC. 5. REPORTING OF CHILD SUPPORT OBLIGATIONS TO**
7 **CREDIT BUREAUS.**

8 Section 466(a)(7) of the Social Security Act (42
9 U.S.C. 666(a)(7)) is amended—

10 (1) by inserting “(A)” after “(7)”;

11 (2) by redesignating subparagraphs (A), (B),
12 and (C) as clauses (i), (ii), and (iii), respectively;
13 and

14 (3) by adding at the end the following:

15 “(B) Procedures requiring any court or admin-
16 istrative agency of the State, at the time the court
17 or agency issues or modifies a child support order,
18 to report to each consumer reporting agency (as so
19 defined)—

20 “(i) the name of the individual upon whom
21 the order imposes an obligation to pay child
22 support; and

23 “(ii) the amount of the obligation.”.

1 **SEC. 6. LIABILITY OF GRANDPARENTS FOR FINANCIAL SUP-**
2 **PORT OF THEIR GRANDCHILDREN.**

3 Section 466(a) of the Social Security Act (42 U.S.C.
4 666(a)), as amended by sections 2, 3, and 4 of this Act,
5 is amended by inserting after paragraph (15) the follow-
6 ing:

7 “(16) Procedures under which each parent of
8 an individual is liable for the financial support of
9 any child of the individual to the extent that the in-
10 dividual is unable to provide such support. The pre-
11 ceding sentence shall not apply to the State if the
12 State plan explicitly provides for such inapplicabil-
13 ity.”.

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