

HB 2039 -- CHILD SUPPORT

SPONSOR: Haahr

This bill specifies that the Family Support Division within the Department of Social Services is authorized to intercept excursion gambling boat winnings from an obligor owing an arrearage under a support order in a IV-D case.

The division must furnish excursion gambling boats with the obligor's name and Social Security number, the IV-D case number, and the arrearage amount owed by the obligor through a secure electronic means. The information provided by the division must be deemed confidential and must be accessed and used only for the purposes set forth in these provisions.

Before payment of gambling boat winnings to a person, an excursion gambling boat must obtain the name, address, and Social Security number of the winner from the Form W-2G or a substantially equivalent form required to be filed with the Internal Revenue Service and access the information provided by the division and make all reasonable efforts to determine if the winner is a delinquent support obligor. If the winner is determined to be an obligor who owes an arrearage, the excursion gambling boat must deduct from the gambling boat winnings an amount equal to the total winnings after taxes or the arrearage amount provided by the division, whichever is less, and in reimbursement of its costs of complying with these provisions, an excursion gambling boat may withhold an amount not to exceed \$25 from the gambling boat winnings, if any, in excess of the amount withheld from the obligor.

The excursion gambling boat must provide the obligor with a written notice in the format set forth by the division that includes certain specified information and must disburse winnings deducted to the family support payment center within two business days of deducting the gambling boat winnings. The excursion gambling boat must also provide to the family support payment center the obligor's full name, address, Social Security number, and IV-D case number or numbers provided by the division.

To contest the interception of gambling boat winnings the obligor may request a hearing from the division within 30 days of the interception. Failure to request a hearing in writing within 30 days of the interception must be deemed a waiver of the opportunity to contest the interception. Upon timely receipt of a request for a hearing from an obligor, the director must grant a hearing. The bill prohibits any excursion gambling boat from being held liable under any federal or state law to any person for any disclosure of

information to the division, for deducting or surrendering gambling boat winnings, or for any other action taken in good faith to comply with these provisions.