

CHAPTER 234
FORMERLY
HOUSE BILL NO. 331

AN ACT TO AMEND TITLES 7, 10, 13, 16, 21, 29, 30, AND 31 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT.

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

Section 1. Amend Title 7, § 512(d) of the Delaware Code as follows:

§ 512 Refusal to sell and revocation of license; grounds; notice.

(d) The provisions of § 516(g) and § 2216 of Title 13 shall supersede any provisions of this chapter to the contrary with respect to any matter involving any applicant or licensee under § 516(g) or § 2216 of Title 13. Any provisions hereof to the contrary notwithstanding, upon receipt of notification from the Family Court pursuant to § 516(g) of Title 13 or notice from the Director of the Division of Child Support Services pursuant to § 2216 of Title 13 regarding an applicant or licensee, the Department shall:

Section 2. Amend Title 10, § 921(13) of the Delaware Code as follows:

§ 921 Exclusive original civil jurisdiction.

The Court shall have exclusive original civil jurisdiction in all proceedings in this State concerning:

(13) Actions concerning appeals from administrative decisions of the Division of Child Support Services, in accordance with the Delaware Administrative Procedures Act, Chapter 101 of Title 29;

Section 3. Amend Title 10, § 1031(4) of the Delaware Code as follows:

§ 1031 Disposition.

(4) Order a person under a duty to do so to pay through the Court or the Division of Child Support Services or directly to the spouse/ex-spouse or to the custodian of the child reasonable support for the spouse and/or child. And in such cases as the Court may deem appropriate enter an order of final judgment as to any past due support which judgment shall not be subject to subsequent modification by the Court;

Section 4. Amend Title 13, § 401 of the Delaware Code as follows:

§ 401 Purpose and construction; definitions; remedies additional to existing remedies.

(b) As used in this chapter:

(4) "Agency" means the Division of Child Support Services of this State and, when the context requires, means either the court or agency of any other jurisdiction with functions similar to those defined in this chapter, including the issuance and enforcement of support orders.

Section 5. Amend Title 13, § 402 of the Delaware Code as follows:

§ 402 Initiation of income withholding; cooperation with other jurisdictions.

On behalf of any client for whom the Division of Child Support Services is already providing services, or on application of a resident of this State, an obligee or obligor of a support order issued by this State, or an agency to whom the obligee has assigned support rights, the Division shall promptly request the agency of another jurisdiction in which the obligor of a support order derives income to enter the order for the purpose of obtaining income withholding against such income. The Division shall compile and transmit promptly to the agency of the other jurisdiction all documentation required to enter a support order for this purpose. The Division also shall transmit immediately to the agency of the other jurisdiction a certified copy of any subsequent modifications of the support order. If the Division receives notice that the obligor is contesting income withholding in another jurisdiction, it shall immediately notify the individual obligee of the date, time and place of the hearings and of the obligee's right to attend.

Section 6. Amend Title 13, § 403(a) of the Delaware Code as follows:

§ 403 Entry of support order of another jurisdiction for income withholding.

(a) Upon receiving a support order of another jurisdiction with the documentation specified in subsection (b) of this section from an agency of another jurisdiction, the Division of Child Support Services shall file these documents with the Clerk of the Family Court in which withholding is being sought. The Clerk of the Court shall accept the documents filed and such acceptance shall constitute entry of the support order under this chapter.

Section 7. Amend Title 13, § 409(b) of the Delaware Code as follows:

§ 409 Changes in original order or jurisdiction.

(b) If the Division of Child Support Services determines that the obligor has obtained employment in another state or has a new or additional source of income in another state, it shall notify the agency which requested the income withholding of the changes within 5 working days of receiving that information and shall forward to that agency all information it has or can obtain with respect to the obligor's new address and the name and address of the obligor's new employer or other source of income. The Division shall include with the notice a certified copy of the income withholding order in effect in this State.

Section 8. Amend Title 13, § 513 of the Delaware Code as follows:

§ 513 Judgment; order of support; other terms.

(a) Where the duty of support has been determined to exist, the court may:

(1) Order the defendant to pay a certain sum periodically into the Division of Child Support Services or directly to a dependent, his or her guardian, custodian or trustee, for a dependent's support for so long as the obligation of support shall exist;

(2) Order the defendant to pay a specific total amount into the Division of Child Support Services or directly to a dependent, his or her guardian, custodian or trustee, in a lump sum or in such stated periodic amounts as the court deems proper;

(4) Order the defendant to elect health insurance coverage for a child available through the defendant's employment, otherwise available at reasonable cost as defined in § 401(b)(11) of this title or to pay directly the cost of health insurance coverage for a child; provided, however, that any new or modified order entered in any case brought under Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.) shall require either or both parents to provide health insurance coverage for the child or children who are the subjects of the child support; and provided, further, that in any case brought under Title IV-D of the Social Security Act [42 U.S.C. § 651 et seq.] in which a parent is ordered to provide health care coverage for a child through an employment-related group health plan, the Division of Child Support Services shall issue the National Medical Support Notice required by Title IV-D of the Social Security Act [42 U.S.C. § 651 et seq.] and federal regulations promulgated pursuant thereto, and the Division shall promptly notify the employer when there is no longer a current order for medical support in effect for which the Division is responsible;

a. In any case in which a parent is required by court or administrative order to provide health insurance coverage for a child and the parent is eligible for family health coverage through an employer doing business in this State, such employer shall:

2. If such a parent is enrolled but fails to make application to obtain coverage of such child, enroll such child under such family coverage upon application by the child's other parent, the Division of Child Support Services or Division of Social Services. The court or administrative order providing for enrollment of the child shall constitute the application for enrollment.

4. Where an obligor has been ordered to provide health insurance coverage for a child in a case enforced pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), receipt by an employer or successive employer of a National Medical Support Notice or other notice from the court or the Division of Child Support Services of an order of a court or administrative agency requiring the obligor to provide health insurance coverage shall operate to enroll the child in the obligor's health insurance plan without regard to any enrollment season restrictions. The obligor may contest the notice by filing a petition in opposition thereto in the Family Court not later than 10 days after issuance of the notice. The petition in opposition may be based only on mistake of fact. Filing of a petition in opposition shall not relieve the employer of any duties under the notice, order or National Medical Support Notice until such time as the employer receives notice that the contest has been resolved. The Court or the Division of Child Support Services shall send a copy of the notice to the obligor at the same time it sends notice to the employer.

b. An order for health insurance coverage shall operate as an assignment of all benefit rights to the obligee or to the child's health services provider, and in any claim against the coverage provider or insurer, the

obligee or the obligee's assignee shall be subrogated to the rights of the obligor. Notwithstanding the provisions of this paragraph regarding assignment of benefits, this paragraph shall not require a health service contractor or a health maintenance organization to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the Division of Child Support Services, or the obligee at the obligee's last known address, within 30 days of the termination date.

c. If an obligor fails to pay the required portion of any deductible under the health insurance coverage or fails to pay the required portion of medical expenses incurred in excess of the coverage provided under the plan, the obligee or the Division of Child Support Services in cases brought under Part D of Title IV of the federal Social Security Act [42 U.S.C. § 651 et seq.] may enforce collection of the obligor's portion of the deductible or the additional medical expenses through an appropriate order under this section, including attachment of the obligor's income. The amount of the deductible or additional medical expenses shall be added to the obligor's child support obligation and be collectible as provided by law if the obligor's share of the amount of the deductible or additional expenses is reduced to a sum certain in a court order.

d. Receipt of a National Medical Support Notice or an order for the enforcement of a medical support obligation shall require an obligor's employer to:

1. Answer the Division of Child Support Services or the obligee, as directed, within 20 days and confirm that the child:

4. If more than 1 plan is offered by the employer or health insurer, and each plan may be extended to cover the child, enroll the child in the obligor's plan. If the obligor's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the obligor. When the plan administrator reports that there is more than 1 option available under the plan, the Division of Child Support Services, in consultation with the obligee, must promptly select from available plan options.

5. Provide information to the Division of Child Support Services or the obligee, as directed, about the name of the health care provider or the insurer and the extent of the coverage available and make available to such party any necessary claim forms or enrollment membership cards.

b. A written agreement is reached between both parties which provides for an alternative arrangement. As used herein, "written agreement" means a written alternative arrangement signed by both parents, or by the obligor and a representative of the Division of Child Support Services in cases brought under Part D of Title IV of the federal Social Security Act [42 U.S.C. § 651 et seq.] in which there is an assignment of support rights to the State, and reviewed and entered in the record by the court or administrative authority.

(4)a. In all cases brought under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), a copy of the Court's income withholding order shall be issued to the Division of Child Support Services and shall be served by the Division by first class mail upon the obligor's employer, and any successive employer, and such service shall be as effectual for all purposes as if served by the court.

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

and the remittance shall specify the obligor-employee's name and Social Security number. In the event the employer is withholding from more than 1 employee, and the payee is the Division of Child Support Services, payment for the total amount may be remitted by a single check. Upon the termination of the obligor's employment, the employer shall notify the court, or the Division of Child Support Services if the order of income withholding or National Medical Support Notice was served by the Division, of said termination and shall provide the court, or the Division if the order of income withholding or National Medical Support Notice was served by the Division, with the obligor-employee's last known address, along with the name and address of the obligor's future employer, if known. If the obligor contests such withholding, the employer must initiate withholding until such time as the employer receives notice that the contest is resolved.

(9) Upon receipt of the certified copy of the order of income withholding from the court or from the Division of Child Support Services by certified mail, the employer becomes primarily liable for the payment of the obligations for support and medical support set forth in such order, as well as such criminal and civil sanctions as the court may impose in the event that the employer fails to comply with the terms of such income attachment and is found to be in contempt by the court.

(12) The Division of Child Support Services is designated as the State Income Withholding Agency. The Division shall distribute all amounts received promptly in accordance with § 457 of the Social Security Act (42 U.S.C. § 657) and shall allocate amounts received when there is more than 1 obligee in accordance with rules promulgated by the federal Department of Health and Human Services.

(c)(4) After receipt by the Division of Child Support Services of a copy of an order of child support as set forth in paragraph (c)(1) of this section made payable through the Division, the Division shall promptly record all payments received and apply said payments to installment or payment amounts due and owing by the obligor in accordance with regulations promulgated by the federal Department of Health and Human Services. The Division may establish administrative procedures to make technical corrections in the Division's accounting records. With regard to any order of child support made payable through the Division, the Division's records shall be presumptive of the payment or nonpayment of each installment payment.

(f) Each party to a support order shall report any change in his or her current residential address, driver's license number, telephone number, employer, employer's address and employer's telephone number to the Family Court, and to the Division of Child Support Services in any case enforced by the Division pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), within 5 days of when the change occurs. Notice for purposes of enforcing or modifying a child support order shall mean:

(2) Upon a showing of diligent efforts to locate a party, mailed notice to the last known employment address provided to the Family Court by the party; provided, however, that where the respondent is a IV-D client as defined by regulation of the Secretary of the Department of Health and Social Services, the Division of Child Support Services shall be the appropriate agent for the receipt of any such notice.

(g) Upon receipt of a written request, or a request by other electronic means where available, from the Director of the Division of Child Support Services in any case enforced by the Division pursuant to Title IV-D of the Social Security Act (42 U.S.C. Sec. 651, et seq.), any employer, as that term is defined in paragraph (b)(6) of this section, and any labor organization, as that term is defined in § 710 of Title 19, shall cooperate with and provide relevant employment and income information in the possession of such employer or labor organization to the Director or the Director's designee for the purpose of establishing, modifying or enforcing a child support order. Relevant employment and income information includes: Whether a named person has or has not been employed by an employer or whether a named person has or has not been employed to the knowledge of the labor organization; the full name of the employee or member; the employee's or member's last known address; the employee's or member's date of birth; the employee's or member's social security number; all income, as that term is defined in paragraph (b)(5) of this section, paid to the employee or member in the prior and current calendar year and the employee's or member's current rate of pay; and whether dependent health insurance coverage is available to the employee or member through employment or membership in the labor organization, together with information about the name of the health care insurer and the extent of the coverage available.

(2) Any employer or labor organization which fails or refuses to provide the information described in this subsection within 30 days after receipt of a request from the Director of the Division of Child Support Services or as otherwise provided in such request shall be punished by a fine of not less than \$100 nor more than \$500. For a second or subsequent offense, such employer or labor organization shall be fined not less than \$500 nor more than \$1,000. A fine under this section may not be suspended. If the employer or labor organization is a corporation, criminal liability shall be established pursuant to §§ 281-284 of Title 11.

Section 9. Amend Title 13, § 516 of the Delaware Code as follows:

§ 516 Violation of support order for spouse or child; proceedings; contempt; assignment of income; employer's duties.

(d) The Court or the Division of Child Support Services shall notify the Department of Health and Social Services of any arrearage of support payments due from a defendant in order that the Department may proceed to set off said arrearage pursuant to §§ 1205-1209 [repealed] of Title 30 against any refund of personal income taxes to which said defendant may be entitled.

(g) Upon a finding by the Court that an obligor owes \$1,000 or more in arrears or retroactive support and is 30 or more days delinquent in payment of the child support order, in addition to any other orders, the Court may order the suspension of the obligor's license, as that term is defined in § 2216 of this title. Such an order shall also render the obligor ineligible for the issuance or renewal of any such license.

In all cases administered under Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), the Court shall forward such Order to the Director of the Division of Child Support Services to be carried out pursuant to section 2216(g) of this title. In all other instances, the Court shall notify the Director of the Division of Motor Vehicles, the Director of the Division of Revenue, the Director of the Division of Fish and Wildlife and/or the Director of the Division of Professional Regulation of the denial or suspension of a license pursuant to this subsection. Such notification may be made electronically, by computer or by such other means as the Court and the Director of the Division of Motor Vehicles, the Director of the Division of Revenue, the Director of the Division of Fish and Wildlife and the Director of the Division of Professional Regulation may agree, and such notification shall constitute sufficient authority for the denial or suspension of any license.

(h) Notwithstanding any contrary provision of this chapter or Chapter 22 of this title, the Court may, in a pending proceeding related to child support, order the removal of any or all restrictions on licensed privileges proposed or imposed related to a failure to pay child support, and without regard to whether the suspension or revocation was a result of the action of the Court or the Division of Child Support Services where the removal of such restrictions is in the best interests of the child or children) and the parties as it relates to the ability of the obligor to meet the obligor's parental obligations. The Court shall establish rebuttable standards in consultation with the Division of Child Support Services to insure the uniform and equitable application of the license suspension program.

Section 10. Amend Title 13, § 6-103(b) of the Delaware Code as follows:

§ 6-103 State tribunal and support enforcement agency.

(b) The Division of Child Support Services is the support enforcement agency of this State.

Section 11. Amend Title 13, § 6-310(a) of the Delaware Code as follows:

§ 6-310 Duties of state information agency.

(a) The Division of Child Support Services is the state information agency under this chapter.

Section 12. Amend Title 13, § 6-703 of the Delaware Code as follows:

§ 6-703 Relationship of Division of Child Support Services to United States central authority.

The Division of Child Support Services of this State is recognized as the agency designated by the United States central authority to perform specific functions under the Convention.

Section 13. Amend Title 13, § 6-704 of the Delaware Code as follows:

§ 6-704 Initiation by Division of Child Support Services of support proceeding under Convention.

(a) In a support proceeding under this subchapter, the Division of Child Support Services of this State shall:

Section 14. Amend Title 13, § 8-312 of the Delaware Code as follows:

§ 8-312 Forms for acknowledgement and denial of paternity.

(a) To facilitate compliance with this subchapter, the Division of Child Support Services shall prescribe forms for the acknowledgment of paternity and the denial of paternity.

Section 15. Amend Title 13, § 8-313 of the Delaware Code as follows:

§ 8-313 Release of information.

The Division of Child Support Services may release information relating to the acknowledgment of paternity or denial of paternity to a signatory of the acknowledgment or denial and to courts and agencies authorized by other law of this State or another state to receive the information of this or another state.

Section 16. Amend Title 13, § 8-314 of the Delaware Code as follows:

§ 8-314 Adoption of rules.

The Division of Child Support Services may adopt rules to implement this subchapter.

Section 17. Amend Title 13, Chapter 22 of the Delaware Code as follows:

§ 2201 Designation of Title IV-D agency.

The Division of Child Support Services is hereby established within the Department of Health and Social Services. Said Division shall constitute the IV-D agency authorized under Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.). In addition to the powers and duties described in this chapter, the Division of Child Support Services shall have the power to perform and be responsible for the performance of all duties and functions heretofore vested in the Division of Child Support Enforcement under § 7930 of Title 29 [repealed] and the Bureau of Child Support Enforcement pursuant to Executive Order No. 76, dated June 30, 1975.

§ 2202 Powers and duties.

The Division of Child Support Services may:

§ 2203 Title IV-D services.

(a) The Division of Child Support Services may provide all services required or authorized by Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), including parent locator services, determination of paternity, establishment of child support and medical support obligations, review and adjustment of child support orders, enforcement of child support, spousal support and medical support orders, and collection and disbursement of child support payments.

(b) The Division of Child Support Services may enter into agreements or contracts with federal, state or other public or private entities or individuals for the purpose of carrying out its duties and responsibilities under federal and state law.

§ 2204 Support payments.

(a) In compliance with federal and state law, the Division of Child Support Services is authorized to receive and disburse support payments made on behalf of each obligee who is a recipient of public assistance, who signs an application to the Division for child support services pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), or who receives child support pursuant to an income withholding order issued by the Court or Division pursuant to § 513 of this title.

(c) A child support obligor shall have no right of reimbursement from the Division of Child Support Services for any child support payment received and disbursed by the Division to an obligee who is not a recipient of public assistance.

§ 2204A Disbursement of support payments.

(a) The Division of Child Support Services may establish a process to transfer support payments electronically to an account designated by the obligee of the support order or to an alternate account that can be accessed by the obligee through an electronic access card. The electronic transfer of support payments shall begin when the Department of Health and Social Services certifies all necessary steps in the process are established and complete.

§ 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 Services 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:

(c) If any individual, private company, institution or other entity fails to comply with an administrative subpoena issued by the Division of Child Support Services, the Division may compel compliance with said subpoena by filing a motion to compel in the Family Court, which shall have jurisdiction to hear such actions. The Family Court may order costs, attorney's fees and/or a civil fine not to exceed \$1,000 if the motion to compel is granted.

(d) Upon request, the Division of Child Support Services shall make available information, as provided in this section, for use by federal and state agencies conducting activities pursuant to Title IV-D of the Social Security Act (42 U.S. C. § 651 et seq.).

(e) Information obtained by the Division of Child Support Services under this section shall be used only for purposes related to the child support program administered pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.).

§ 2206 Confidentiality of records.

(b) The Division of Child Support Services may use or release information from the files and records for purposes directly connected with the administration of the child support program, including the release of information to other state agencies operated pursuant to Title IV-D of the Social Security Act. The Division may also release information from its files and records to a consumer reporting agency in accordance with § 2217 of this title.

§ 2207 Enforcement by the Division of Child Support Services.

The Division of Child Support Services is hereby authorized to initiate enforcement of any child or spousal support order issued by a Court or administrative agency of this or any other state or jurisdiction that is being enforced pursuant to Title IV, Part D, of the Social Security Act (42 U.S.C. § 651 et seq.). Said enforcement shall include, but not be limited to, income withholding initiated pursuant to § 513 of this title; administratively adding an amount to be paid toward arrears in addition to any current support amount ordered; demand letters; initiation of contempt proceedings; use of state and federal income tax refund intercept programs; use of attachment, levy and garnishment; use of a private collection agency or contractor; and any other civil remedy available for the enforcement of judgments or for the enforcement of support orders.

§ 2208 State Directory of New Hires.

(a) *General.* — There is hereby established within the Division of Child Support Services an automated directory (to be known as the "State Directory of New Hires") which shall contain information supplied by employers pursuant to § 1154(h) of Title 30.

(c) *Information comparisons.* — The State Directory of New Hires shall, directly or by contract, conduct automated comparisons of the social security numbers reported by employers pursuant to § 1156A of Title 30 and the social security numbers appearing in the records of the State case registry. When an information comparison reveals a match with respect to the social security number of an individual required to provide support under a support order, the State Directory of New Hires shall provide the Division of Child Support Services with the name, address and social security number of the employee to whom the social security number is assigned, the date services for remuneration were first performed by the employee, and the name, address and identifying number assigned under § 6109 of the Internal Revenue Code of 1986 (26 U.S.C. § 6109) to the employer.

(e) *Uses of new hire information.* — The State Directory of New Hires shall make the specified information available to the following entities for the purposes described below.

(1) The State Directory of New Hires shall provide information derived from the comparison conducted pursuant to subsection (c) of this section to the Division of Child Support Services, which shall use the information to locate individuals for purposes of establishing paternity and establishing, modifying and enforcing child support obligations.

§ 2210 Administrative enforcement in interstate cases.

(a) The Division of Child Support Services may request the child support agency of a state or jurisdiction outside of Delaware established pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), to enforce a child or spousal support order entered by a tribunal in Delaware or in another state or jurisdiction. Such a request shall constitute a certification by the Division of the amount of arrears and retroactive support, of the existence of a child support lien, and of compliance with all procedural due process requirements applicable to the case.

(b) The Division of Child Support Services may request the child support agency of a state or jurisdiction outside of Delaware established pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.) to enforce and recognize a child support lien. Such a request shall constitute a certification by the Division of the amount of arrears, and retroactive support of the existence of a child support lien, and of compliance with all procedural due process requirements applicable to the case.

(c) The Division of Child Support Services shall establish procedures to respond to a request for enforcement from a child support agency of a state or jurisdiction outside of Delaware established pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), without the necessity of registering the order or lien with the Court. Such a request shall constitute a certification by the requesting State of the amount of arrears, and retroactive support of the existence of a child support lien, and of compliance with all procedural due process requirements applicable to the case.

§ 2211 Maintenance of records.

The Division of Child Support Services shall maintain such records as may be required by federal and state law.

§ 2212 Financial institution data matches.

(a) The Division of Child Support Services shall enter into agreements with financial institutions doing business within this State to develop and operate, in coordination with such financial institutions, a data match system, using automated data exchanges to the maximum extent feasible, in which each such financial institution shall:

(b) The Division of Child Support Services shall pay a reasonable fee to a financial institution for conducting the data match provided for in this subsection, not to exceed the actual costs incurred by such financial institution.

(c) In cases where there is a support arrearage and the noncustodial parent is subject to a child support lien pursuant to § 2215 of this title, the Division of Child Support Services may, without the necessity of obtaining an order from any other judicial or administrative tribunal, secure assets in such noncustodial parent's account, less applicable fees and penalties, to satisfy the arrearage by attaching and seizing such assets of the obligor held in financial institutions. The Division shall recognize and enforce the authority of state agencies of other states whereby the Division will enforce the child support liens on behalf of such state agencies in accordance with the procedures set forth in this section.

(f) Each financial institution doing business within this State shall enter into an agreement with the Division of Child Support Services to develop and operate, in coordination with the Division, the financial institution data match system described in this section. Those institutions which are not automated or compatible must identify themselves to the Division of Child Support Services within 180 days of passage of the legislation. The Division will work with these institutions to develop a data exchange process that is not unduly burdensome to the institution or the Division.

(g) A financial institution shall not be liable under any state law to any person or government agency for:

(1) Any disclosure of information to the Division of Child Support Services under § 2212 of this title;

or

(2) Encumbering or surrendering any assets held by such financial institution in response to a notice of lien or levy issued by the Division of Child Support Services as provided in Title 13; or

§ 2213 Parent locator information from interstate networks.

(a) The Division of Child Support Services (the "Division") shall have access to locator information contained in data systems used by the State for purposes which include, but are not limited to, motor vehicle and law enforcement.

§ 2214 Collection and use of Social Security numbers.

(a) The Division of Child Support Services shall have access to the social security number of:

(d) Upon request, the Division of Child Support Services shall make available locator information, as provided in subsection (a) of this section, for use by federal and state agencies conducting activities pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.). The Division may respond to a request for information made under this section by any appropriate method including, but not limited to, paper, facsimile, telephone, magnetic tape or other electronic means.

(f) The Director of the Division of Child Support Services shall be responsible for the preparation of policy, procedures, and directives as may be required to implement this section.

§ 2215 Child support liens.

(g) Where an obligor has been ordered by the Court to pay child support and owes arrears or retroactive support in a case enforced by the Division of Child Support Services pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651, et seq.), the Director of the Division of Child Support Services may:

(6) Cause a lien for arrears or retroactive support to be perfected against accounts held by a financial institution by serving a notice of child support lien and notice of levy on said institution. Within 20 days after the date it receives the notice, the institution shall satisfy the lien by paying the amount of the lien to the Director of the D Division of Child Support Services, as payee of the child support order, with any goods, chattels, rights, credits, money or effects of the obligor in the institution's custody, possession, or control; and

(i) The Division of Child Support Services shall send timely written notice to the obligor by first-class mail of action taken to perfect a child support lien, execute a levy, or seize the property. The notice shall specify the amount due, the steps to be followed to release the property so placed under lien, levied upon or seized and the time period within which to respond to such notice, and shall include the name of the court or administrative agency which entered the child support order.

(1) The obligor may request an administrative review by filing a written request with the Division of Child Support Services within 20 days from the date the notice of child support lien was mailed. If the obligor files a timely written request for an administrative review, the Division shall conduct the review within a reasonable time of such request and shall not dispose of the subject property before the review is complete. The only issues to be addressed at the review hearing are whether the obligor is the person named in the child support order from which the lien arises and whether any child support payment or installment is past due. The records of the Division of Child Support Services shall be presumptive of the amount in arrears and of the obligor's payment history. Except as otherwise provided herein, all hearings under this section shall be in accordance with the provision of the Administrative Procedures Act, Chapter 101 of Title 29.

(j) The records of the Division of Child Support Services, including records transmitted electronically, shall be presumptive evidence of the amount of any lien for arrears or retroactive support. Any person, firm or corporation, including an insurance carrier or a financial institution, who has received notice of any child support lien shall determine from the Division of Child Support Services the amount of unpaid arrears or retroactive support owed by the obligor as of the date such party makes any payment to which a lien under this section attaches.

(k) The Division of Child Support Services may file notice of a lien or release of a lien or may transmit accounting information regarding an obligor's arrears and retroactive support by any means, including electronic means.

(l) Except as provided in paragraph (l)(2) of this section, a child support lien shall expire upon the termination of a current child support obligation and payment in full of any arrears and retroactive support, or upon release of the lien by the Division of Child Support Services in the case of an order being enforced under Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), or by the obligee in a non-IV-D case.

(1) When all arrears and retroactive child support have been paid in full, the Division of Child Support Services, or the obligee in a non-IV-D case, shall enter satisfaction of such lien or judgment on the record in the office where the same is entered.

(m) In any case where there has been a refusal or neglect to pay child support, regardless of whether a levy has been made, the Division of Child Support Services, in addition to any other remedies, may file a civil action to enforce the child support lien. The filing of a civil action shall not preclude the Division of Child Support Services from enforcing the child support order through the use of any administrative procedures permitted by federal or state law.

§ 2216 Driver's, professional, occupational and business and recreational licenses.

(b) In order to provide for the denial or suspension of licenses to delinquent child support obligors, the Director of the Division of Motor Vehicles, the Director of the Division of Revenue, the Director of the Division of Fish and Wildlife and the Director of the Division of Professional Regulation shall each enter into a cooperative agreement with the Director of the Division of Child Support Services to make available or otherwise provide to the Director of the Division of Child Support Services information regarding any person who applies for or holds a license issued or renewed by their respective divisions. The specific information and the manner and frequency with which it is made available or otherwise provided to the Division of Child Support Services shall be as determined by each cooperative agreement, but such information shall be made available or otherwise provided at least once each calendar year. Each cooperative agreement shall be revised as necessary to effectuate the provisions and purposes of this section. From such information provided by the Division of Motor Vehicles, the Division of Revenue, the Division of Fish and Wildlife and the Division of Professional Regulation, the Division of Child Support Services, at such intervals as it determines, may identify such applicants or licensees who are delinquent child support obligors as described in this section, and undertake enforcement action pursuant to this section.

(c) Subject to the notice and hearing provisions of this section, the Director of the Division of Child Support Services may give notice that a license shall not be issued or renewed by the Division of Motor Vehicles, the Division of Revenue, the Division of Fish and Wildlife or by any commission, board or agency under the authority of the Division of Professional Regulation which is named in § 8735 of Title 29 if:

(1) The applicant is the subject of an outstanding *capias* or bench warrant issued by the Family Court for failure to appear at any paternity or child support proceeding in a case enforced by the Division of Child Support Services pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651, et seq.); or

(2) The applicant is under an order of the Family Court to pay child support in a case enforced by the Division of Child Support Services pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651, et seq.), owes \$1,000.00 or more in arrears or retroactive support, and is 30 or more days delinquent in payment of the support order.

(d) Subject to the notice and hearing provisions of this section, the Director of the Division of Child Support Services may give notice that a license issued by the Division of Motor Vehicles, the Division of Revenue, the Division of Fish and Wildlife or by any commission, board or agency under the authority of the Division of Professional Regulation which is named in § 8735 of Title 29 shall be suspended if:

(1) The licensee is the subject of an outstanding *capias* or bench warrant issued by the Family Court for failure to appear at any paternity or child support proceeding in a case enforced by the Division of Child Support Services pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651, et seq.); or

(2) The licensee is under an order of the Family Court to pay child support in a case enforced by the Division of Child Support Services pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), owes \$1,000.00 or more in arrears or retroactive support, and is 30 or more days delinquent in payment of the support order.

(e) The Director of the Division of Child Support Services shall give written notice of the proposed denial or suspension of a license to the obligor, together with the amount of arrears or retroactive support and the date of the last payment on the child support order. The denial or suspension of the license becomes effective upon final written notice to the obligor from the Director of the Division of Motor Vehicles, the Director of the Division of

Revenue, the Director of the Division of Fish and Wildlife and/or the Director of the Division of Professional Regulation unless, within 20 days of the date the notice of proposed denial or suspension is mailed by the Director of the Division of Child Support Services, the obligor:

(1) Requests in writing an administrative hearing before the Director of the Division of Child Support Services or the Director's designee;

(4) Consents to a payment plan acceptable to the Director of the Division of Child Support Services or the Director's designee, and fully complies therewith.

(f) The Director of the Division of Child Support Services or the Director's designee shall convene a hearing within 30 days after receipt of the obligor's timely written request, and shall issue a written decision within 5 working days after the hearing. The only issues to be addressed at the hearing are whether the applicant or licensee is the obligor named in the child support order; whether the obligor owes \$1,000.00 or more in arrears or retroactive support; and whether the obligor is 30 or more days delinquent in payment of the child support order. No evidence of the appropriateness of the child support order or of the obligor's ability to comply shall be received or considered at the hearing. The records of the Division of Child Support Services shall be presumptive of the amount of arrears or retroactive child support and of the obligor's payment history.

(g) If the obligor fails to timely request a hearing or to otherwise timely comply with the requirements of subsection (e) of this section to avoid denial or suspension of the license, upon the issuance of a written decision adverse to the obligor after a hearing, or upon order of the Family Court pursuant to § 516(g) of this title, the Director of the Division of Child Support Services may notify the Director of the Division of Motor Vehicles, the Director of the Division of Revenue, the Director of the Division of Fish and Wildlife and/or the Director of the Division of Professional Regulation that the provisions of this section for denial or suspension of the obligor's license have been met. Such notification may be made electronically, by computer or by such other means as the Director of the Division of Child Support Services and the Director of the Division of Motor Vehicles, the Director of the Division of Revenue, the Director of the Division of Fish and Wildlife and the Director of the Division of Professional Regulation may agree, and such notification shall constitute sufficient authority for the denial or suspension of any license. The Director of the Division of Motor Vehicles, the Director of the Division of Revenue, the Director of the Division of Fish and Wildlife and/or the Director of the Division of Professional Regulation shall forthwith deny the issuance or renewal of any license, or suspend the same, and so notify the applicant or licensee in writing. The notice from the Director of the Division of Child Support Services shall be conclusive, and the action of the Director of the Division of Motor Vehicles, the Director of the Division of Revenue, the Director of the Division of Fish and Wildlife and/or the Director of the Division of Professional Regulation in compliance therewith shall be effective 4 days after the date notice of same is mailed to the obligor at the address on record at the Division of Motor Vehicles, the Division of Revenue, the Division of Fish and Wildlife or the Division of Professional Regulation. The obligor shall remain ineligible for the issuance, renewal or reinstatement of any license until the obligor obtains from the Director of the Division of Child Support Services or his or her designee written certification that the grounds for denial or suspension of a license under this section no longer exist or by order of the Family Court pursuant to § 516(h) of this title.

(m) The Director of the Division of Child Support Services may enter into such agreements with the Director of the Division of Motor Vehicles, the Director of the Division of Revenue, the Director of the Division of Fish and Wildlife, the Director of the Division of Professional Regulation and such other agencies as may be appropriate to effectuate the purposes of this section.

§ 2217 Credit bureau reporting.

Information regarding the amount of arrearages owed by an obligor shall be reported by the Division of Child Support Services, at such intervals as it determines, to consumer reporting agencies, as that term is defined in 15 U.S.C. § 1681a(f), or be made available by the Division of Child Support Services to any consumer reporting agency upon request, subject to the following:

(3) A fee for furnishing the information in an amount not exceeding the actual cost thereof may be imposed on the requesting consumer reporting agency by the Division of Child Support Services

§ 2218 Requests for information.

(a) Upon receipt of a written request or a request by electronic means, where available, from the Director of the Division of Child Support Services in any case enforced by the Division pursuant to Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), any employer, as that term is defined in § 513(b)(6) of this title, and any labor organization, as that term is defined in § 710 of Title 19, shall cooperate with and provide relevant employment and income information in the possession of such employer or labor organization to the Director or the Director's designee for the purpose of establishing paternity or establishing, modifying or enforcing a child support order. Relevant employment and income information includes: the address of the employer; whether the named person is a current or past employee or contractor of the employer, or whether the named person has or has not been employed or hired as a contractor to the knowledge of the labor organization; the full name of the employee, contractor or member; the last known residential address of the employee, contractor or member; the date of birth of the employee, contractor or member; the social security number of the employee, contractor or member; all income, as that term is defined in § 513(b)(5) of this title, paid to the employee, contractor or member in the prior and current calendar year and the current rate of pay and benefits provided to the employee, member or contractor; and whether dependent health insurance coverage is available to the employee or member through employment or membership in the labor organization, together with information about the name of the health care insurer and the extent of the coverage available.

(c) Any employer or labor organization that fails or refuses to provide the information described in this section within 15 days after receipt of a request from the Director of the Division of Child Support Services or as otherwise provided in such request shall be punished by a fine of not less than \$100 nor more than \$500. For a second or subsequent offense, such employer or labor organization shall be fined not less than \$500 nor more than \$1,000. A fine under this section may not be suspended. If the employer or labor organization is a corporation, criminal liability shall be established pursuant to §§ 281-284 of Title 11.

Section 18. Amend Title 16, § 3110(g) of the Delaware Code as follows:

§ 3110 Disclosure of records.

(g) The State Registrar of Vital Statistics shall submit a monthly report of all births to women under 18 years of age to the Division of Child Support Services of the Department of Health and Social Services, and to the Division of Family Services of the Department of Services for Children, Youth and Their Families for informational, investigative and/or child support purposes. The monthly report shall include the name, address, date of birth and Social Security number of the mother and father, if available, the date of birth and sex of the child.

Section 19. Amend Title 16, § 3121(c) of the Delaware Code as follows:

§ 3121 Registration of births.

(c) When a child is born to an unmarried woman in an institution, the person responsible for completing the birth certificate, or the person's designated representative, shall:

(1) Provide written information prepared by the Division of Child Support Services to the mother and the putative father, if he is present, explaining the rights and responsibilities of acknowledging paternity;

(4) File the signed and notarized acknowledgment with the Office of Vital Statistics within 10 days after execution. The Office of Vital Statistics shall send a copy of the acknowledgment to the Division of Child Support Services within 7 days after it receives the acknowledgment.

Section 20. Amend Title 16, § 3127 of the Delaware Code as follows:

§ 3127 Acknowledgment or establishment of paternity.

In cases of acknowledgment or establishment of paternity, the State Registrar, upon receipt of a court order, an administrative order or a properly executed acknowledgment of paternity, executed or issued in this State or any other state, which establishes paternity or creates a presumption of paternity under the law of the state in which it was executed or issued, shall prepare an amended or new certificate of birth, as the case may be, consistent with the document. The fact that the father-and-child relationship was declared after the child's birth shall not be ascertainable from the amended or new certificate, but the actual place and date of birth shall be shown. The evidence upon which the amended or new certificate was made and the original birth certificate shall be sealed and

filed and may be opened only upon court order or upon application of the Division of Child Support Services certifying that the child for whom information is sought is the subject of a child support case administered by the Division under Title IV-D of the federal Social Security Act [42 U.S.C. § 651 et seq.]

Section 21. Amend Title 21, § 2707(b) of the Delaware Code as follows:

§ 2707 License qualifications.

(b) The Department shall not issue an operator's or chauffeur's license to any:

(11) Person who is the subject of an outstanding *capias* or bench warrant issued by the Family Court for failure to appear at any paternity or child support proceeding, or with respect to whom the Department has received notification from the Family Court as provided in § 516(g) of Title 13, or notice from the Director of the Division of Child Support Services as provided in § 2216 of Title 13 regarding the denial or suspension of a license because of such person's child support delinquency.

Section 22. Amend Title 21, § 2732(d) of the Delaware Code as follows:

§ 2732 Mandatory revocation or suspension of license or refusal to renew or issue a duplicate license.

(d) Upon receipt of notification from the Family Court pursuant to § 516(g) of Title 13, or notice from the Director of the Division of Child Support Services pursuant to § 2216 of Title 13 regarding the suspension of a license because of such person's child support delinquency, the Department shall forthwith suspend such person's commercial driver license or license to operate a motor vehicle. The provisions of §§ 516(g) and 2216 of Title 13 shall supersede any provisions of this title to the contrary with respect to any matter relating to the denial or suspension of a license under § 516(g) or § 2216 of Title 13. The Department shall create and maintain a record showing a suspended driving status for a person whose license is suspended pursuant to this subsection. A license so suspended shall remain suspended until the person obtains written certification from the Family Court or the Director of the Division of Child Support Services or the Director's designee that the grounds for suspension of the license under § 516(g) or § 2216 of Title 13 no longer exist. No occupational license may be issued in any case in which a license has been suspended pursuant to § 516(g) or § 2216 of Title 13.

Section 23. Amend Title 29, § 4838 of the Delaware Code 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:

(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 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 video 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 video 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 video lottery prize and instructions for contesting an intercept directly to the Division of Child Support Services; and

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

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

Section 24. Amend Title 29, § 6102(g) of the Delaware Code as follows:

§ 6102 Composition of General Fund; Delaware Higher Education Loan Program Fund.

(g) All revenue collected by the Division of Child Support Services, as established under the Social Services Amendments of 1974 (P.L. 93-647, 42 U.S.C. § 651 et seq.) pursuant to its functions under the Division of Child Support Services and Paternity Program, except for an amount to be specified annually in the budget act as an appropriated special fund which shall be considered an incentive payment to enable the Division to increase child support collections, shall be deposited into a special fund account known as the Delaware Child Support Enforcement Account. The revenue deposited into the Delaware Child Support Enforcement Account shall not be a part of the General Fund of the State and shall only be handled in accordance with § 457 of the Social Services Amendments of 1974 [42 U.S.C. § 657]. Further, such portions of these funds deposited to the credit of the Delaware Child Support Enforcement Account, as shall be periodically determined to belong to the State, shall be deposited to the credit of the General Fund of the State.

Section 25. Amend Title 29, § 6104(h) of the Delaware Code as follows:

§ 6404 General provisions.

(h) The General Assembly finds that through a cooperative agreement between the Division of Child Support Services, Department of Health and Social Services, Family Court of Delaware, and the office of the Attorney General, the federal government has been reimbursing Family Court and the office of the Attorney General for general funds disbursed for certain expenses incurred in the delivery of child support services. This section directs that:

Section 26. Amend Title 29, § 7903(f) of the Delaware Code as follows:

§ 7903 Powers, duties and functions of the Secretary

The Secretary may:

(f.) A Director of the Division of Child Support Services, who shall be someone qualified by training, education, experience or ability to perform the duties of Director;

Section 27. Amend Title 29, § 7922(8) of the Delaware Code as follows:

§7922 Exemptions.

The following positions set forth in this section shall be exempt from Chapter 59 of this title:

(8) Director of Child Support Services;

Section 28. Amend Title 29, § 7930 of the Delaware Code as follows:

§7930 Division of Child Support Services

Section 29. Amend Title 29, § 10161(25) of the Delaware Code as follows:

§ 10161 State agencies affected.

(25) Division of Child Support Services;

Section 30. Amend Title 30, § 2101 of the Delaware Code as follows:

§ 2101 General license requirement for occupations.

No person shall engage in or carry on any trade or business for which a license is required by this part without first having obtained a license therefor from the Department of Finance and paid therefor the fee or tax prescribed in this Part. The provisions of § 516(g) and § 2216 of Title 13 shall apply and supersede any license requirements of this part with respect to matters involving any applicant or licensee under § 516(g) or § 2216 of Title 13. The Department shall forthwith deny the issuance or renewal of any license under this Part, or suspend the same, upon receipt of notification from the Family Court pursuant to § 516(g) of Title 13 or notice from the Director of the Division of Child Support Services pursuant to § 2216 of Title 13 regarding an applicant or licensee. The Social Security number of the applicant shall be included on the application for issuance or renewal of any license under this Part.

Section 31. Amend Title 31, § 504 of the Delaware Code as follows:

§ 504 Assignment and collection of support payments; powers and duties of Family Court.

(a) Any law of the State to the contrary notwithstanding, the application and/or receipt of public assistance under § 503(d) of this title shall act as an automatic and immediate assignment of all rights of support for the applicant and/or recipient and any dependent child. Such assignment shall have the full force and effect of law to the State and shall be collectible by the Division of Child Support Services. All money collected pursuant to such assignment shall be deposited directly to the credit of the Child Support Enforcement Account for distribution in accordance with § 457 of the Social Services Amendments of 1974 [42 U.S.C. § 657].

Approved May 19, 2016