

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 160

As Amended by Senate Committee on
Judiciary

Brief*

SB 160 would amend the Kansas Income Withholding Act to allow a court trustee enforcing a support order to serve an income withholding order on a payor (employer) by personal service, by registered mail, return receipt requested, or by any alternate method accepted by the payor.

The bill also would amend the state debt setoff law to include in the definition of "debt" any amount of support due and owing an individual who is receiving assistance in collecting that support by a court trustee pursuant to KSA 23-495. The definition of "debtor" would be amended to include any person who owes support to an individual who is receiving assistance in collecting that support under KSA 23-495.

Background

The Kansas Income Withholding Act, KSA 21-4,105, *et seq.*, allows for enforcement of support orders through income withholding.

The state debt setoff law, found in KSA 75-6201, *et seq.*, provides tools for the collection of debts owed to the state or of support debts owed to persons who are using certain state agencies or contractors to collect such debt. An example of an available tool under this law is the setoff of a debt against a debtor's income tax refund.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Douglas County District Court Trustee requested Senator Julia Lynn introduce SB 160.

In the Senate Judiciary Committee, Douglas County District Court Trustee Katy Nitcher appeared in support of the bill. Trustee Nitcher explained there are two primary methods of enforcement of support orders in Kansas: court trustee offices and entities that contract with the Kansas Department of Social and Rehabilitation Services (SRS) pursuant to a federally-based program referred to as "IV-D." The trustee stated there are currently some differences in the enforcement options available to court trustees versus those available to IV-D entities, and SB 160 would provide court trustees with the same tools as IV-D entities have. According to the trustee, SB 160 would ensure that Kansas children have the full complement of enforcement tools at their disposal regardless of who is enforcing a support order.

No opponents provided testimony. At the request of Trustee Nitcher, the Senate Committee amended the bill to add the KSA 23-495 provision to the definition of "debtor" so that the statutory language would be consistent. The Committee recommended the bill be passed as amended.

The fiscal note on the bill, as introduced, states the Office of Judicial Administration and Social and Rehabilitation Services indicate the bill would have no fiscal effect on their operations.