

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 19110. Response and Duties of the Payor.

(a) A payor upon whom service of an income withholding order or notice has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receiving income or other remuneration from the payor, whether the payor will honor the income withholding order or notice, and whether there are multiple income withholding orders or notices against the obligor.

(b) *Amount and Due Date of Payments.* It shall be the duty of any payor who has been served with an income withholding notice to deduct and pay over income as provided in this section. The payor shall deduct the amount designated in the income withholding notice, beginning no later than the next payment of income which is payable or creditable to the obligor that occurs fourteen days following the date the income withholding notice was served on the payor. The payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been affected. The payor shall pay the amount withheld to the CNMI Support Disbursement Unit within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor.

(c) The payor shall continue to withhold the ordered amounts from disposable income of the obligor until notified by the court that the income withholding order has been modified or terminated, that the child support debt has been paid.

(d) *Payment By Electronic Funds Transfer.* Within ninety days of the effective date of this Article, all payors that withhold income pursuant to ten or more income withholding orders and notices during the preceding year may use electronic funds transfer to pay all amounts withheld under this Article.

(e) *Health Insurance Coverage.* Upon receipt of an income withholding notice requiring that a minor child be named as a beneficiary of a health insurance plan available through an employer or labor union or trade union, the employer or labor union or trade union shall immediately enroll the minor child as a beneficiary in the health insurance plan designated by the income withholding notice. The employer shall withhold any required premiums and pay over any amounts so withheld and any additional amounts the employer pays to the insurance carrier in a timely manner. The employer or labor union or trade union shall mail to the obligee, within fifteen days of enrollment or upon request, notice of the date of coverage, information of the dependent coverage plan, and all forms necessary to obtain reimbursement for covered health expenses, such as would be made available to a new employee. When an order for dependent coverage is in effect and the insurance coverage is terminated or changed for any reason, the employer or labor union or trade union shall notify the obligee within ten days of the termination or change date along with notice of conversion privileges.

(f) *Fees for Withholding of Income.* The payor may deduct a processing fee from the remainder of the obligor's earnings after withholding under the income withholding order, even if the remainder is exempt. The total processing fee for payors shall not exceed ten dollars per month. All payors shall submit five dollars of their processing fee to the CNMI Support Disbursement Unit. If the payor is a department, agency or entity of the Commonwealth government, that payor shall also submit a five dollar processing fee to the CNMI Support Disbursement Unit which shall be deposited into a separate fund reserved for the Attorney General's Child Support Enforcement Unit without further appropriation.

Source: [PL 14-34](#), § 13, modified; redesignated by [PL 20-22](#) § 5 (Oct. 6, 2017).

Commission Comment: The Commission deleted figures that were repetitious of words in subsection (f) above pursuant to its authority by [1 CMC § 3806\(e\)](#).

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In codifying [PL 20-22](#), the Commission renumbered 8 CMC § 1581 pursuant to [1 CMC § 3806\(a\)](#). The Commission changed “this Act” to “this chapter” in (d) pursuant to [1 CMC § 3806\(d\)](#).

To accommodate the codification of [PL 20-47](#) (Mar. 16, 2018), the Commission created Article 1 (§§ 19101–19122) pursuant to [1 CMC § 3806\(b\)](#) and changed “chapter” to “Article” pursuant to [1 CMC § 3806\(d\)](#).