



**HOUSE OF REPRESENTATIVES**  
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND SPECIAL SESSION, 2004

PUBLIC LAW NO. 14-34  
**H. B. No. 14-122, HD1, SD2**

**AN ACT**

To authorize the withholding of income derived in the Commonwealth to enforce support orders, to make all missed support payments automatic judgments, and to provide for mandatory medical support, and for other purposes.

**BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE:**

1           Section 1. Findings and Purposes. The Commonwealth Legislature finds that an  
2 efficient and effective mechanism for the collection and disbursement of support payments is  
3 essential for the timely and consistent payment of such support. The Legislature further finds  
4 that the Commonwealth currently lacks any mechanism that the obligees of such support  
5 orders may avail themselves unlike that which exists and used in the other states and  
6 territories of the United States. Furthermore, statistics have shown that the automatic income  
7 withholding is the most effective mechanism currently used in other jurisdictions. Therefore,  
8 the purpose of this Act is to provide an efficient and effective procedure for the withholding  
9 of income derived by obligors to enforce support orders issued by tribunals of the  
10 Commonwealth of the Northern Mariana Islands (CNMI) and other jurisdictions. These  
11 sections shall be liberally construed to achieve that purpose. It is the intent of the Legislature  
12 that all support in arrears in excess of one month be paid by income withholding orders, to  
13 include medical insurance coverage or cash equivalents in the support orders, and to make all  
14 missed support payments automatic judgments.

15           Section 2. Definitions. As used in this Act:

16           (a) "Arrearage" means the total amount of unpaid support obligations as  
17 determined by a tribunal and incorporated into an order for support.

1           (b) "Business day" means a day on which CNMI offices are open for  
2 regular business.

3           (c) "Child" means an individual, whether above or below the age of  
4 majority, who is or is alleged to be owed a duty of support by the individual's parent  
5 or who is or is alleged to be the beneficiary of a support order directed to the parent.

6           (d) "CNMI Support Disbursement Unit" means the unit established by the  
7 Governor to collect and disburse support payments.

8           (e) "Delinquency" means any payment under an order for support which  
9 becomes due and remains unpaid after entry of the order for support.

10          (f) "Disposable income" means that part of the earnings of an individual  
11 remaining after the deductions from those earnings of any amount required by law to  
12 be withheld.

13          (g) "Income" means income from any source, regardless of source,  
14 including, but not limited to: wages, salary, commissions, partnership distributions,  
15 dividends, severance pay, compensation as an independent contractor, gambling  
16 winnings, workers' compensation, disability, annuity, pension, social security,  
17 unemployment insurance and retirement benefits, lottery prize awards, insurance  
18 proceeds, vacation pay, bonuses, overtime pay, profit-sharing payments, partnership  
19 distributions, interest, gifts, prizes, inheritance, trust income, alimony or maintenance  
20 received from other marriages and any other payments, made by any person, private  
21 entity, federal or state government, any unit of local government, school district or any  
22 entity created by law. Income also includes all gains derived from capital, from  
23 labor, or from both combined, including profit gained through sale or conversion of  
24 capital assets. However, income excludes:

25           (1) any amounts required by law to be withheld, other than creditor  
26 claims, including, but not limited to, federal, CNMI and local taxes, Social  
27 Security and other retirement and disability contributions;

28           (2) union dues;

1 (3) any amounts exempted by the federal Consumer Credit  
2 Protection Act;

3 (4) benefits from means-tested public assistance programs,  
4 including, but not limited to Temporary Aid To Needy Families (TANF), Low  
5 Income Housing Energy Assistance Program (LIHEAP), Supplemental Security  
6 Income, Public School System child care, low-income housing subsidized  
7 benefits, and Food Stamps or Nutrition Assistance Program (NAP).

8 (h) "Jurisdiction" means any state, or political subdivision, territory,  
9 commonwealth or possession of the United States.

10 (i) "National Medical Support Notice" means the notice required for  
11 enforcement of orders for support providing for health insurance coverage of a child  
12 under Title IV, Part D of the Social Security Act, the Employee Retirement Income  
13 Security Act of 1974, and federal regulations promulgated under those Acts.

14 (j) "Obligor" means the individual who owes a duty to make payments  
15 under an order for support.

16 (k) "Obligee" means the individual to whom a duty of support is owed or  
17 the individual's legal representative. This includes a State or political subdivision (i) to  
18 which the rights under a duty of support or support order have been assigned or (ii)  
19 which has independent statutory claims based on financial assistance provided to an  
20 individual obligee.

21 (l) "Payor" means--

22 (1) any employer;

23 (2) any payor of income to an obligor; a payor may be a person as  
24 defined in this section; or

25 (3) a person as defined in this section or labor union or trade union  
26 with an employee group health insurance plan and, for purposes of the  
27 National Medical Support Notice, also includes but is not limited to:

28 (i) any CNMI or local governmental agency with a group  
29 health plan; and

1                   (ii)       any person as defined in this section with a group health  
2                   plan or a "church plan" covered under the Employee Retirement Income  
3                   Security Act of 1974.

4                   (m)       "Person" means an individual, corporation, business trust, estate, trust,  
5                   partnership, limited liability company, association, joint venture, government,  
6                   governmental subdivision, agency or instrumentality, public corporation, or any other  
7                   legal or commercial entity.

8                   (n)       "Premium" means the dollar amount for which the obligor is liable to  
9                   his employer or labor union or trade union and which must be paid to enroll or  
10                  maintain a child in a health insurance plan that is available to the obligor through an  
11                  employer or labor union or trade union.

12                  (o)       "Public office" means any CNMI, State, or local agency or its  
13                  representative, responsible by law for the enforcement of an order for support,  
14                  including, but not limited to: the CNMI Office of the Attorney General, the various  
15                  States' Attorneys General, child support agencies, and supervisors of general  
16                  assistance agencies.

17                  (p)       "Support order" means payment of funds for the support of a child or  
18                  maintenance of a spouse, whether temporary or final and includes any such order  
19                  which provides for:

20                       (1)       modification or resumption of, or payment of arrearage accrued  
21                       under, a previously existing order,

22                       (2)       reimbursement of support,

23                       (3)       payment or reimbursement of the expenses of pregnancy and  
24                       delivery; or

25                       (4)       enrollment in a health insurance plan that is available to the  
26                       obligor through an employer or labor or trade union.

27                  (q)       "State" means any state, or political subdivision, territory,  
28                  commonwealth or possession of the United States.

1 (r) "Tribunal" means a court in the case of the CNMI, or a court,  
2 administrative agency, or quasi-judicial entity in the case of other U.S. jurisdictions  
3 authorized to establish, enforce, or modify support orders or to determine parentage.

4 Section 3. CNMI Support Disbursement Unit. There is hereby established a CNMI  
5 Support Disbursement Unit (Unit) within the Office of the CNMI Treasury. This Unit is  
6 authorized to receive and disburse child support payments pursuant to income withholding  
7 orders and other court ordered support payments. The child support payments received shall  
8 be deposited into an account separate from the General Fund and all other funds of the  
9 Commonwealth Government. This Unit shall disburse any payments received to the obligee  
10 within five business days. The Secretary of the Department of Finance shall promulgate  
11 reasonable regulations and procedures, not inconsistent with the provisions, purposes and  
12 intent of this Act, for the receipt and disbursement of support payments received under this  
13 section.

14 Section 4. Other Limits or Exemptions on Withholding of Income. Any other CNMI  
15 law that limit or exempt income or the amount or percentage of income that can be withheld  
16 shall not apply when income is withheld for payment of a support order.

17 Section 5. Delinquencies Become Automatic Judgments. All child support payments  
18 which are delinquent for more than thirty-one days become automatic judgments and shall  
19 earn interest at the rate established by law.

20 Section 6. Content of Support Orders.

21 (a) All support orders shall provide for income withholding, unless a  
22 written agreement is reached between and signed by both parties providing for an  
23 alternative arrangement, approved and entered into the record by the tribunal, which  
24 ensure payment of support. In the case that an alternative arrangement is approved,  
25 the order for support shall provide that an income withholding notice is to be prepared  
26 and served only if the obligor becomes delinquent in paying the order for support;

27 (b) All support orders shall provide for medical support, whether in the  
28 form of periodic cash payments or ordering the obligor to provide health insurance  
29 coverage for the child under a policy available through the obligor's employment. If

1 the obligor is eligible for family insurance coverage, the employer and the provider of  
2 health care coverage shall permit the employee to enroll, under the coverage, any  
3 child who is eligible for such coverage without regard to any enrollment season  
4 restrictions. If the employee is enrolled in a family health care plan but fails to make  
5 application to obtain coverage of a child, the employer and the provider of health care  
6 coverage shall enroll such child under the coverage upon application by such child's  
7 other parent, or upon receipt of the national medical support notice from a public  
8 agency.

9 (c) All support orders shall contain a cost-sharing statement for  
10 unreimbursed medical expenses.

11 Section 7. Existing Orders for Support. All existing orders for child support, spousal  
12 support, and family support issued by a tribunal for specific amounts of periodic payments to  
13 the obligee are hereby declared subject to enforcement by payor income withholding. A  
14 payor income withholding order and notice may be issued prospectively by the tribunal under  
15 the terms required by this Act. All existing orders for support are subject to such other  
16 modification prospectively as may be necessary to bring them into compliance with this Act.

17 Section 8. Content of Income Withholding Order. The Income Withholding Order  
18 shall contain the following:

19 (a) The title and docket number of the suit;

20 (b) The name of the obligee;

21 (c) The name of the obligor and the obligor's Social Security Number,  
22 which the obligor shall disclose to the tribunal. If the obligor is not a United States  
23 citizen, the obligor shall disclose to the tribunal, and the tribunal shall include in the  
24 order for support, the obligor's alien registration number, passport number, and home  
25 country's social security or a national health number, if applicable.

26 (d) The amount and duration of the child support, not including medical  
27 support, stated as a sum certain;

1 (e) The name and address of the CNMI Support Disbursement Unit, with  
2 direction to the CNMI Support Disbursement Unit to disburse the payment to the  
3 person designated to receive payments;

4 (f) Medical support, whether in the form of periodic cash payments, stated  
5 as a sum certain, or ordering the obligor to provide health insurance coverage for the  
6 child under a policy available through the obligor's employment;

7 (g) A cost-sharing statement for unreimbursed medical expenses;

8 (h) The amount of periodic payments of fees and costs for a support  
9 enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums  
10 certain;

11 (i) The amount of periodic payments of arrearages and interest on  
12 arrearages, stated as sums certain.

13 (j) A statement that all child support payments delinquent beyond 31 days  
14 become automatic judgments.

15 (k) A statement requiring an income withholding notice to be prepared and  
16 served immediately upon any payor of the obligor by the obligee or public office,  
17 unless a written agreement is reached between and signed by both parties providing for  
18 an alternative arrangement, approved and entered into the record by the tribunal,  
19 which ensures payment of support.

20 (l) In the case that an alternative arrangement is approved, as allowed in  
21 Section 6(a), the order for support shall provide that an income withholding notice is  
22 to be prepared and served only if the obligor becomes delinquent in paying the order  
23 for support.

24 (m) A statement containing a dollar amount to be paid until payment in full  
25 of any delinquency that accrues after entry of the order for support. The amount for  
26 payment of delinquency shall not be less than twenty percent (20%) of the total of the  
27 current support amount and the amount to be paid periodically for payment of any  
28 arrearage stated in the order for support.

1 Section 9. Copies of Order. At the time the order for support is entered, the Clerk of  
2 the Court shall provide a copy of the order to the obligor and shall make copies available to  
3 the obligee and the public office.

4 Section 10. Content of Income Withholding Notice. The income withholding notice  
5 shall:

6 (a) be in the standard format prescribed by the United States Department  
7 of Health and Human Services; and

8 (b) state the date of entry of the order for support upon which the income  
9 withholding notice is based; and

10 (c) direct any payor to withhold the dollar amount required for current  
11 support under the order for support; and

12 (d) direct any payor to withhold the dollar amount required to be paid  
13 periodically under the order for support for payment of the amount of any arrearage  
14 stated in the order for support; and

15 (e) in the case of a delinquency, direct the payor to withhold the dollar  
16 amount required to be paid periodically until payment in full of the delinquency; and

17 (f) in the standard format of the National Medical Support Notice, direct  
18 any payor or labor union or trade union to enroll a child as a beneficiary of a health  
19 insurance plan and withhold or cause to be withheld, if applicable, any required  
20 premiums; and

21 (g) state the amount of the payor income withholding fee specified under  
22 this statute; and

23 (h) state that the amount actually withheld from the obligor's income for  
24 support and other purposes, excluding the payor withholding fee specified under this  
25 statute, may not be in excess of the maximum amount permitted under the federal  
26 Consumer Credit Protection Act; and

27 (i) state the duties of the payor and the fines and penalties for failure to  
28 withhold and pay over income and for discharging, disciplining, refusing to hire, or



1 otherwise penalizing the obligor because of the duty to withhold and pay over income  
2 under this Section; and

3 (j) state the rights, remedies, and duties of the obligor under this statute;  
4 and

5 (k) include the Social Security Numbers of the obligor, the obligee, and  
6 the child or children included in the order for support; and

7 (l) include the date that withholding for current support terminates, which  
8 shall be the date of termination of the current support obligation set forth in the order  
9 for support; and

10 (m) contain the signature of the obligee or the printed name and telephone  
11 number of the authorized representative of the public office, except that the failure to  
12 contain the signature of the obligee or the printed name and telephone number of the  
13 authorized representative of the public office shall not affect the validity of the income  
14 withholding notice; and

15 (n) direct any payor to pay over amounts withheld for payment of support  
16 to the CNMI Support Disbursement Unit.

17 Section 11. Service of Income Withholding Notice.

18 (a) The accrual of a delinquency as a condition for service of an income  
19 withholding notice, as provided for under the exception to immediate withholding in  
20 Section 6(a), shall apply only to the initial service of an income withholding notice on  
21 a payor of the obligor.

22 (b) Notwithstanding the exception to immediate withholding contained in  
23 Section 6(a), if the tribunal finds at the time of any hearing that an arrearage has  
24 accrued, the tribunal shall order immediate service of an income withholding notice  
25 upon the payor.

26 (c) If the order for support contains a provision for exception to immediate  
27 withholding, provided for in Section 6(a), and provides that an income withholding  
28 notice is to be prepared and served on the payor only if the obligor becomes delinquent  
29 in payment of support ordered, the obligor may execute a written waiver of that

1 condition and request immediate service of the income withholding notice on the  
2 payor.

3 (d) Service on the payor shall be in person in the same manner as a  
4 summons in a civil action, or by any form of mail requiring a return receipt. At the  
5 time of service on the payor and as notice that withholding has commenced, the  
6 obligee or public office shall serve a copy of the income withholding notice on the  
7 obligor in the same manner as a summons in a civil action, or by any form of mail  
8 requiring a return receipt to his or her last known address. A copy of the income  
9 withholding notice together with proofs of service on the payor and the obligor shall  
10 be filed with the Clerk of the Court. If the copy is not mailed or served as this  
11 subsection provides, or if any irregularity appears with respect to the mailing or  
12 service, the court, in its discretion, may quash the wage assignment order, upon motion  
13 of the obligor promptly made and supported by an affidavit showing that the obligor  
14 has suffered substantial injury due to the failure to mail or serve a copy.

15 (e) At any time after the initial service of an income withholding notice,  
16 any other payor of the obligor may be served with the same income withholding notice  
17 without further notice to the obligor. A copy of the income withholding notice  
18 together with a proof of service on the other payor shall be filed with the Clerk of the  
19 Court.

20 (f) In the case of an obligor with whom an income withholding notice was  
21 previously served on the payor, a new service of an income withholding notice is not  
22 required in order to resume withholding of income if the withholding of income was  
23 terminated because of an interruption in the obligor's employment of less than 180  
24 days.

25 Section 12. Income Withholding Order and Notice of Another State.

26 (a) Payor's Receipt of Income Withholding Order of Another State. An  
27 income withholding order or notice issued in another State may be sent by a public  
28 office as defined in this Act, to the person defined as the obligor's payor under this  
29 Act, without first filing a petition or comparable pleading or registering the order with

1 a tribunal of the Commonwealth. If a custodial parent obligee signs and directly sends  
2 an income withholding notice issued in another State to payors, a certified copy of the  
3 underlying income withholding order shall be attached to the notice.

4 (b) Tribunal's Receipt of an Income-withholding Order or Notice of  
5 Another State. An income-withholding order or notice issued by a tribunal of another  
6 State may be registered in the CNMI for enforcement.

7 (c) Procedure to Register the Income Withholding Order or Notice from  
8 Another State. A support order or income-withholding order or notice of another State  
9 may be registered in the CNMI by sending the following records and information to  
10 the Office of the Attorney General, Division of Child Support Enforcement:

11 (1) a letter of transmittal to the tribunal requesting registration and  
12 enforcement;

13 (2) two copies, including one certified copy, of the order to be  
14 registered, including any modification of the order;

15 (3) a sworn statement by the person requesting registration or a  
16 certified statement by the custodian of the records showing the amount of any  
17 arrearage;

18 (4) the name of the obligor and, if known;

19 (5) the obligor's address and social security number;

20 (6) the name and address of the obligor's payor and any other  
21 source of income of the obligor;

22 (7) a description and the location of property of the obligor in the  
23 CNMI not exempt from execution; and

24 (8) the name and address of the obligee, unless exempted, and, if  
25 applicable, the person to whom support payments are to be remitted.

26 (d) Upon receipt of a request for registration, the registering tribunal shall  
27 cause the order to be filed as a foreign judgment, together with one copy of the  
28 documents and information, regardless of their form.

1 (e) A petition or comparable pleading seeking a remedy that must be  
2 affirmatively sought under other law of the CNMI may be filed at the same time as the  
3 request for registration or later. The pleading must specify the grounds for the remedy  
4 sought.

5 (f) If two or more orders are in effect, the person requesting registration  
6 shall:

7 (1) furnish to the tribunal a copy of every support order asserted to  
8 be in effect in addition to the documents specified in this section;

9 (2) specify the order alleged to be the controlling order, if any; and

10 (3) specify the amount of consolidated arrears, if any.

11 (g) A request for a determination of which is the controlling order may be  
12 filed separately or with a request for registration and enforcement or for registration  
13 and modification. The person requesting registration shall give notice of the request to  
14 each party whose rights may be affected by the determination.

15 (h) Effect of Registration of an Income Withholding Order or Notice for  
16 Enforcement.

17 (1) An income-withholding order or notice issued in another State  
18 is registered when the order is filed in the registering tribunal of the CNMI.

19 (2) A registered order issued in another State is enforceable in the  
20 same manner and is subject to the same procedures as an order issued by a  
21 tribunal of the CNMI.

22 (3) Except as otherwise provided in this Act, a tribunal of the  
23 CNMI shall recognize and enforce, but may not modify, a registered order if the  
24 issuing tribunal has continuing exclusive jurisdiction as defined by the Uniform  
25 Interstate Family Support Act.

26 (i) Payor's Compliance with Income-withholding Order or Notice of  
27 Another State. Upon receipt of an income-withholding order or notice, the obligor's  
28 payor shall immediately provide a copy of the order to the obligor. The payor shall  
29 treat an income-withholding order or notice issued in another State as if it had been

1 issued by a tribunal of the CNMI. The payor shall withhold the funds as directed in  
2 the withholding order or notice by complying with the terms of the order or notice.  
3 Provided however that no payor shall enforce any income withholding notice sent  
4 directly by a custodial parent obligee residing outside the Commonwealth, unless a  
5 certified copy of the underlying income withholding order is attached to the notice.  
6 The payor shall distribute the funds withheld to the CNMI Support Disbursement Unit.  
7 The CNMI Support Disbursement Unit shall distribute the funds to the person  
8 designated to receive payments on the income withholding order or notice.

9 (j) Income-withholding orders of a foreign country or political subdivision  
10 may be recognized in this jurisdiction on the basis of comity.

11 Section 13. Response and Duties of the Payor.

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

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

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

5 (d) Payment by electronic funds transfer: Within ninety days of the  
6 effective date of this Act, all payors that withhold income pursuant to ten or more  
7 income withholding orders and notices during the preceding year may use electronic  
8 funds transfer to pay all amounts withheld under this Act.

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

24 (f) Fees for withholding of income. The payor may deduct a processing  
25 fee from the remainder of the obligor's earnings after withholding under the income  
26 withholding order, even if the remainder is exempt. The total processing fee for  
27 payors shall not exceed ten dollars (\$10.00) per month. All payors shall submit five  
28 dollars of their processing fee to the CNMI Support Disbursement Unit. If the payor is  
29 a department, agency or entity of the Commonwealth government, that payor shall

1 also submit a five dollar processing fee to the CNMI Support Disbursement Unit  
2 which shall be deposited into a separate fund reserved for the Attorney General's  
3 Child Support Enforcement Unit without further appropriation.

4 Section 14. Priority of Income Withholding for Support. Withholding of income  
5 under this Act shall have priority over any prior or subsequent garnishments, attachments,  
6 wage assignments, any other claims of creditors, or other legal process.

7 Section 15. Maximum Amount to be Withheld from Obligor's Income; Priority of  
8 Payments on a Single Income Withholding Order. Withholding of income under this Act  
9 shall not be in excess of the maximum amounts permitted under the federal Consumer Credit  
10 Protection Act, or fifty percent (50%) of the obligor's income, whichever is less. Disposable  
11 income shall be applied first to the current support obligation, then to any premium required  
12 for employer, labor union, or trade union-related health insurance coverage ordered under the  
13 order for support, and then to payments required on past-due support obligations, including  
14 delinquencies.

15 Section 16. Apportionment of disbursements. If an obligor is subject to two or more  
16 income withholding notices on account of different obligees, the employer shall, if the  
17 disposable income is not sufficient to respond fully to all the notices, apportion the obligor's  
18 disposable income between or among various obligees equally. An obligee may seek a court  
19 order reapportioning the obligor's disposable income upon notice to all interested obligees.  
20 Notice shall be by personal service, or in the manner provided by the Rules of Civil  
21 Procedure or applicable statute.

22 Section 17. Payor Protection from Civil Liability. A payor who complies with an  
23 income withholding notice that is regular on its face shall not be subject to civil liability with  
24 respect to any individual, any agency, or any creditor of the obligor for conduct in  
25 compliance with the notice.

26 Section 18. Termination of Income Withholding Order by Payor. Whenever the  
27 obligor is no longer receiving income from the payor, the payor shall return a copy of the  
28 income withholding notice to the obligee or public office and shall provide information for  
29 the purpose of enforcing this Act, including the last date of employment and forwarding

1 address of the obligor. If the payor no longer employs the obligor, the income withholding  
2 order shall remain in effect for one year after the obligor has left the employment of the  
3 payor. If the obligor returns to the payor's employment during the one-year period the payor  
4 shall immediately withhold the obligor's income according to the terms of the wage  
5 withholding order.

6 Section 19. Additional duties.

7 (a) An obligee who is receiving income withholding payments under this  
8 Act shall notify the CNMI Support Disbursement Unit and the Clerk of the Superior  
9 Court of any change of address within seven days of such change.

10 (b) An obligee who is a recipient of public assistance, including food  
11 stamps, shall send a copy of any income withholding notice served by the obligee to  
12 the CNMI Attorney General's Office, Division of Child Support Enforcement.

13 (c) Each obligor shall notify the obligee, the public office, and the Clerk of  
14 the Superior Court of any change of address within seven days.

15 (d) An obligor whose income is being withheld pursuant to this Act shall  
16 notify the obligee, the public office, and the Clerk of the Superior Court of any new  
17 payor, within seven days.

18 (e) The obligee, the CNMI Support Disbursement Unit or public office, as  
19 appropriate, shall provide notice to the payor and Clerk of the Superior Court of any  
20 other support payment made, including but not limited to, a set-off under CNMI law or  
21 partial payment of the delinquency or arrearage, or both.

22 (f) The CNMI Support Disbursement Unit shall maintain complete,  
23 accurate, and clear records of all income withholding payments and their  
24 disbursements. Certified copies of payment records maintained by the CNMI Support  
25 Disbursement Unit, a public office, or the Clerk of the Superior Court shall, without  
26 further proof, be admitted into evidence in any legal proceedings under this Act.

27 (g) The CNMI Superior Court, Family Division, shall design suggested  
28 legal forms for proceeding under this Act and shall make available to the tribunals



1 such forms and informational materials which describe the procedures and remedies  
2 set forth herein for distribution to all parties in support actions.

3 (h) At the time of transmitting each support payment, the CNMI Support  
4 Disbursement Unit shall provide the obligee or public office, as appropriate, with any  
5 information furnished by the payor as to the date the amount would (but for the duty to  
6 withhold income) have been paid or credited to the obligor.

7 Section 20. Prohibition of Penalties against Obligor Imposed by Payor. No payor  
8 shall discharge, discipline, refuse to hire or otherwise penalize any obligor because of the  
9 duty to withhold income or because of any obligation such income withholding imposes  
10 against the employer. Any employer who violates this section shall be liable in a civil action,  
11 action for contempt or other appropriate proceeding to such employee or individual for  
12 damages due to wages and employment benefits lost by the employee or individual from the  
13 time of the unlawful discipline, suspension, refusal to hire or discharge to the period of  
14 reinstatement, and an additional penalty of up to One Thousand Dollars (\$1,000.00).

15 Section 21. Penalties.

16 (a) Where a payor willfully fails to withhold or pay over income pursuant to a  
17 properly served income withholding notice, or willfully discharges, disciplines, refuses  
18 to hire or otherwise penalizes an obligor as prohibited by Section 20 of this Act, or  
19 otherwise fails to comply with any duties imposed by this Act, the obligee, public  
20 office or obligor, as appropriate, may file a complaint with the tribunal against the  
21 payor. The Clerk of the Superior Court shall notify the obligee or public office, as  
22 appropriate, and the obligor and payor of the time and place of the hearing on the  
23 complaint. The tribunal shall resolve any factual dispute including, but not limited to,  
24 a denial that the payor is paying or has paid income to the obligor.

25 (b) Upon a finding in favor of the complaining party, the tribunal:

26 (1) shall enter judgment and direct the enforcement thereof for the  
27 total amount that the payor willfully failed to withhold or pay over; and

28 (2) shall also hold the payor liable for a civil penalty equal to that  
29 amount or in the amount of five hundred dollars (\$500.00), whichever is

1 greater, payable to the public agency or to the moving or complaining party. A  
2 finding by the tribunal, by an administrative agency of competent jurisdiction,  
3 or by the public agency that the employer or other source of periodic income  
4 has failed or neglected to comply with an income withholding order executed  
5 pursuant to this section shall be prima facie evidence of the liability of such  
6 employer in such proceeding.

7 (3) may order employment or reinstatement of or restitution to the  
8 obligor, or both, where the obligor has been discharged, disciplined, denied  
9 employment or otherwise penalized by the payor and may impose an additional  
10 fine upon the payor of up to One Thousand Dollars (\$1,000.00).

11 (c) Any obligee, public office or obligor who willfully initiates a false  
12 proceeding under this Act or who willfully fails to comply with the requirements of  
13 this Act shall be punished as in cases of contempt of tribunal.

14 (d) In any action to enforce a support under this Act, the prevailing party is  
15 entitled to a recovery of costs, including an award for reasonable attorney fees. An  
16 obligor may not be considered a prevailing party under this section unless the obligee  
17 has acted in bad faith in connection with the proceeding in question.

18 Section 22. Contest of Income Withholding Orders.

19 (a) The only basis for contesting an order for income withholding shall be a  
20 mistake of fact in the amount of current or overdue support or the identity of the  
21 obligor.

22 (b) An obligor shall be entitled to a hearing on any such order on ten  
23 working days notice to the obligee. The obligor must file his request for a hearing on  
24 the income withholding order within fourteen days of receipt of the order for income  
25 withholding. If notice of the income withholding order has been sent directly to the  
26 obligor's employer without first being registered by the CNMI tribunal, and the  
27 obligor wishes to contest that order, the obligor must register the income-withholding  
28 order and the support order upon which it is based according to the requirements of  
29 Section 12 of this Act regarding registration of orders for enforcement.

1           Section 23. Petitions to Contest Withholding or to Modify, Suspend, Terminate, or  
2 Correct Income Withholding Notices Registered in the CNMI.

3           (a)     When an obligor files a petition to contest withholding, the tribunal,  
4           after due notice to all parties, shall hear the matter as soon as practicable and shall  
5           enter an order granting or denying relief, ordering service of an amended income  
6           withholding notice, where applicable, or otherwise resolving the matter.

7           (b)     The tribunal shall deny the obligor's petition if the tribunal finds that  
8           when the income withholding notice was mailed, sent by facsimile transmission or  
9           other electronic means, or placed for personal delivery to or service on the payor:

10                   (1)     a delinquency existed; or

11                   (2)     the parties' written agreement providing an alternative  
12           arrangement to immediate withholding under Section 6(a) of this Act no longer  
13           ensured payment of support.

14           (c)     At any time, an obligor, obligee, Clerk of the Superior Court, or public  
15           office may petition the tribunal to:

16                   (1)     modify, suspend or terminate the income withholding notice  
17           because of a modification, suspension or termination of the underlying  
18           order for support; or

19                   (2)     modify the amount of income to be withheld to reflect payment  
20           in full or in part of the delinquency or arrearage by income withholding or  
21           otherwise; or

22                   (3)     suspend the income withholding notice because of an inability  
23           to deliver income withheld to the obligee due to the obligee's failure to provide  
24           a mailing address or other means of delivery.

25           (d)     At any time an obligor may petition the tribunal to correct a term  
26           contained in an income withholding notice to conform to that stated in the underlying  
27           order for support for:

28                   (1)     the amount of current support;

29                   (2)     the amount of the arrearage;

1 (3) the periodic amount for payment of the arrearage; or

2 (4) the periodic amount for payment of the delinquency.

3 (e) The obligor, obligee or public office shall serve on the payor, in the  
4 manner provided for service of income withholding notices in Section 11, a copy of  
5 any order entered pursuant to this Act that affects the duties of the payor.

6 (f) At any time, a public office or Clerk of the Superior Court may serve a  
7 notice on the payor to:

8 (1) cease withholding of income for payment of current support for  
9 a child when the support obligation for that child has automatically ceased  
10 under the order for support through emancipation or otherwise; or

11 (2) cease withholding of income for payment of delinquency or  
12 arrearage when the delinquency or arrearage has been paid in full.

13 (g) The notice provided for under subsection (f) of this section shall be  
14 served on the payor in the manner provided for service of income withholding notices  
15 in Section 11 of this Act, and a copy shall be provided to the obligor and the obligee.

16 (h) The income withholding notice shall continue to be binding upon the  
17 payor until service of an amended income withholding notice or any order of the  
18 tribunal or notice entered or provided for under this Section.

19 Section 24. Remedies Additional to Those Now Existing. The remedies provided in  
20 this Act are in addition to, and not in substitution for, any other remedy otherwise available to  
21 enforce a support order of this or another jurisdiction. Relief under this Act shall not be  
22 denied, delayed, or otherwise affected because of the availability of other remedies, nor shall  
23 relief under any other statute be delayed or denied because of the availability of this remedy.

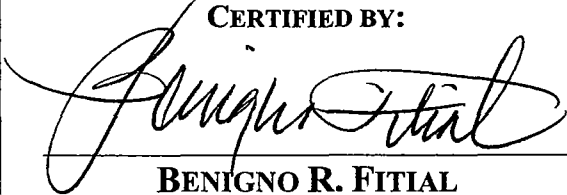
24 Section 25. Severability. If any provisions of this Act or the application of any such  
25 provision to any person or circumstance should be held invalid by a tribunal of competent  
26 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
27 circumstances other than those to which it is held invalid shall not be affected thereby.

28 Section 26. Savings Clause. This Act and any repealer contained herein shall not be  
29 construed as affecting any existing right acquired under contract or acquired under statutes

1 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
2 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
3 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
4 any liability, civil or criminal, which shall already be in existence on the date this Act  
5 becomes effective.

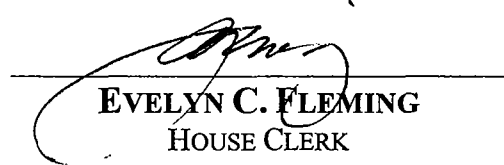
6 Section 27. Effective Date. This Act shall take effect thirty days after its approval by  
7 the Governor or after it becomes law without such approval.

CERTIFIED BY:



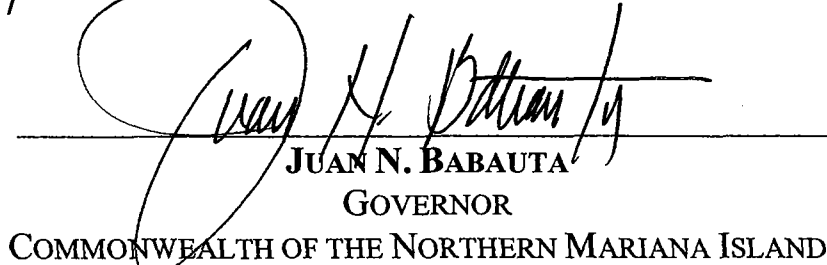
**BENIGNO R. FITIAL**  
SPEAKER OF THE HOUSE

ATTESTED TO BY:



**EVELYN C. FLEMING**  
HOUSE CLERK

Approved on this 12<sup>th</sup> day of October, 2004



**JUAN N. BABAUTA**  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS