

2021 -- H 5308

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO DOMESTIC RELATIONS - DIVORCE PROCEEDINGS - SUPPORT FOR CHILDREN

Introduced By: Representatives Williams, Ajello, Vella-Wilkinson, Giraldo, and Perez

Date Introduced: January 29, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-13-3.1 of the General Laws in Chapter 15-13 entitled "Divorce or
2 Separation Proceedings - Support for Children Receiving Public Assistance" is hereby amended to
3 read as follows:

4 **15-13-3.1. Enforcement procedures.**

5 (a) In any proceeding brought for failure to make support payments as ordered by the court,
6 upon a showing that the payments are more than forty-five (45) days overdue, the family court may
7 grant an order directing that an execution issue against the wages, debts, earnings, salary, income
8 from trust funds, or profits of the parent responsible for support for the full amount of both the
9 arrears payments and for the satisfaction of current support and maintenance payments until further
10 order of the family court, notwithstanding any statutory limitation on executions issued against the
11 wages, earnings, salary, or other income of the judgment debtor, and the execution shall have
12 priority over any other executions.

13 (b) No employer shall discharge an employee because his or her wages are subject to
14 execution in accordance with this section or shall discriminate in hiring because of a potential
15 execution.

16 (c) An employer, in remitting wages levied upon a judgment or order of support, may make
17 a two dollar (\$2.00) deduction to defray his or her bookkeeping expenses for each paycheck levied
18 upon out of the funds ordered for support.

1 (d) In any proceeding brought for failure to make support payments, upon a showing that
2 the payments are more than forty-five (45) days overdue, the family court may grant an order
3 directing that an execution issue against the interest of the responsible parent in and to any real
4 estate or personal property within the jurisdiction of the family court whether that interest is held
5 individually or jointly with others, and the execution shall have priority over any other executions
6 or attachments except as prescribed by applicable federal or state statutes.

7 (e) The execution shall attach to all real and personal property of the responsible parent
8 when it is recorded with the recorder of deeds for the city or town in which the real estate is located
9 or with the appropriate office for a notice with respect to personal property. The department of
10 administration, division of taxation, child support enforcement agency, shall not be required to pay
11 a recording fee.

12 (f) Whenever an execution has been filed and there is in the possession of any person
13 having notice of the execution any property which may be subject to the execution, the property
14 shall not be paid over, released, sold, transferred, encumbered, or conveyed unless a release or
15 waiver signed by the director has been delivered to the person in possession or the family court has
16 ordered the release of the execution.

17 (g) Any person who fails to honor an execution shall be liable to the person entitled to
18 receive the support payments in an amount equal to the debt, which is the basis of the execution,
19 together with costs, interest, and reasonable attorney fees.

20 (h) Any judgment or order for support issuing from a court of competent jurisdiction of
21 any other state, which passes legislation similar to this chapter and provides for reciprocity to this
22 state, shall have the same force and effect as if the judgment or order originated from the Rhode
23 Island courts.

24 ~~(i) Interest at the rate of twelve (12%) per annum on any support debt due or owing may~~
25 ~~be assessed by operation of law unless the responsible parent shall, for good cause shown, be~~
26 ~~relieved of the obligation to pay the interest by the family court.~~

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would eliminate any award of interest by the family court in any enforcement
- 2 proceeding resulting in a judgment or order for failure to make child support payments.
- 3 This act would take effect upon passage.

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