

405.465 Income withholding or wage assignments for child support, medical support, maintenance, and medical support insurance orders.

- (1) This section shall apply only to those child support, medical support, maintenance, and medical support insurance orders that are established, modified, or enforced by the Cabinet for Health and Family Services or those court orders obtained in administering Part D, Title IV of the Federal Social Security Act.
- (2) All child support orders and medical support insurance orders being established, modified, or enforced by the Cabinet for Health and Family Services, or those orders obtained pursuant to the administration of Part D, Title IV of the Federal Social Security Act, shall provide for income withholding which shall begin immediately.
- (3) The court shall order either or both parents who are obligated to pay child support, medical support, or maintenance under this section to assign to the Cabinet for Health and Family Services that portion of salary or wages of the parent due and to be due in the future as will be sufficient to pay the child support amount ordered by the court.
- (4) The order shall be binding upon the employer or any subsequent employer upon the service by certified mail of a copy of the order upon the employer and until further order of the court. The employer may deduct the sum of one dollar (\$1) for each payment made pursuant to the order.
- (5) The employer shall notify the cabinet when an employee, for whom a wage withholding is in effect, terminates employment and provide the terminated employee's last known address and the name and address of the terminated employee's new employer, if known.
- (6)
 - (a) An employer with twenty (20) or more employees shall notify in writing the cabinet, or its designee administering the support order, of any lump-sum payment of any kind of one hundred fifty dollars (\$150) or more to be made to an employee under a wage withholding order. An employer with twenty (20) or more employees shall notify in writing the cabinet or its designee no later than forty-five (45) days before the lump-sum payment is to be made or, if the employee's right to the lump-sum payment is determined less than forty-five (45) days before it is to be made, the date on which that determination is made. After notification, the employer shall hold each lump-sum payment of one hundred fifty dollars (\$150) or more for thirty (30) days after the date on which it would otherwise be paid to the employee and, on order of the court, pay all or a specified amount of the lump-sum payment to the Division of Child Support. The employer may deduct the sum of one dollar (\$1) for each payment.
 - (b) As used in this subsection, "lump-sum payment of any kind" means a lump-sum payment of earnings as defined in KRS 427.005.
- (7) Any assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

- (8) No assignment under this section by an employee shall constitute grounds for dismissal of the obligor, refusal to employ, or taking disciplinary action against any obligor subject to withholding required by this section.

Effective: January 1, 2006

History: Amended 2005 Ky. Acts ch. 99, sec. 633, effective June 20, 2005; and ch. 149, sec. 1, effective January 1, 2006. -- Amended 1998 Ky. Acts ch. 255, sec. 21, effective July 15, 1998; and ch. 426, sec. 584, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 365, sec. 8, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 330, sec. 14, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 418, sec. 10, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 411, sec. 22, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 487, sec. 14, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 144, sec. 9, effective July 13, 1984. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 409, effective January 2, 1978. -- Created 1972 Ky. Acts ch. 109, sec. 1.

Formerly codified as KRS 405.035.

Legislative Research Commission Note (1/1/2006). This section was amended by 2005 Ky. Acts chs. 99 and 149, which do not appear to be in conflict and have been codified together.