

CHAPTER 149**(HB 155)**

AN ACT relating to domestic relations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 405.465 is amended to read as follows:

- (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 Families and Children 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 Families and Children, 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 Families and Children 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)~~(7)~~ 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.

Section 2. KRS 406.021 is amended to read as follows:

- (1) Paternity may be determined upon the complaint of the mother, putative father, child, person, or agency substantially contributing to the support of the child. The action shall be brought by the county attorney or by the Cabinet for Families and Children or its designee upon the request of complainant authorized by this section.
- (2) Paternity may be determined by the District Court when the mother and father of the child, either:
 - (a) Submit affidavits in which the mother states the name and Social Security number of the child's father and the father admits paternity of the child; or
 - (b) Give testimony before the District Court in which the mother states the name and Social Security number of the child's father and the father admits paternity of the child.
- (3) If paternity has been determined or has been acknowledged according to the laws of this state, the liabilities of the *noncustodial parent*~~father~~ may be enforced in the same or other proceedings by the mother, child, person, or agency substantially contributing to the cost of pregnancy, confinement, education, necessary support, or funeral expenses. Bills for testing, pregnancy, and childbirth without requiring third party foundation testimony shall be regarded as prima facie evidence of the amount incurred. An action to enforce the liabilities *of the noncustodial parent* shall be brought by the county attorney upon the request of such complainant authorized by this section. An action to enforce the liabilities of the cost of pregnancy, birthing costs, child support, and medical support shall be brought by the county attorney or by the Cabinet for Families and Children or its designee.
- (4) Voluntary acknowledgment of paternity pursuant to KRS 213.046 shall create a rebuttable presumption of paternity.
- (5) Upon a showing of service of process on the defendant and if the defendant has made no pleading to the court or has not moved to enter evidence pursuant to KRS 406.091, the court shall order paternity to be established by default.

Section 3. Section 1 of this Act takes effect January 1, 2006.

Approved March 18, 2005.