

405.490 Answer to order to withhold -- Procedure for obligor to contest amount of delinquent support withheld. (Effective July 1, 2025)

- (1) Any person, including the obligor, who has been served with an order to withhold and deliver the obligor's property shall answer the order within twenty (20) days.
- (2) The person in possession of any obligor's property shall withhold it and deliver it to the Office of the Attorney General in accordance with the Attorney General's directions; or the obligor may offer a bond which is satisfactory to the office.
- (3) The person in possession of obligor's property shall have no liability or further responsibility after fulfilling the duties under this section.
- (4) The obligor may dispute the amount of delinquent support by requesting a dispute hearing with twenty (20) days.
- (5) If the obligor does not request a hearing, acknowledgment of the obligation is presumed and the Attorney General may apply the withheld property to the delinquent child support obligation.
- (6) If a hearing is requested, when property or a bond is released to the Attorney General pursuant to an order to withhold and deliver property, the Attorney General shall hold the property or bond, pending determination of the obligor's liability by a hearing officer, pursuant to KRS 405.450.
- (7) Upon a decision adverse to the Office of the Attorney General by a hearing officer, of the Circuit Court on appeal, the office shall return the property together with interest at the legal rate for judgments.

Effective: July 1, 2025

History: Amended 2023 Ky. Acts ch. 124, sec. 57, effective July 1, 2025. -- Amended 2005 Ky. Acts ch. 99, sec. 635, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 586, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 418, sec. 8, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 411, sec. 26, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 487, sec. 15, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 144, sec. 12, effective July 13, 1984.