

SENATE No. 36

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to bring child support home.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	First Middlesex and Norfolk
Gale D. Candaras	First Hampden and Hampshire
Patricia D. Jehlen	Second Middlesex
James B. Eldridge	Middlesex and Worcester
Susan C. Fargo	Third Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Thomas M. McGee	Third Essex and Middlesex
Karen E. Spilka	Second Middlesex and Norfolk
Denise Provost	27th Middlesex
Ruth B. Balser	12th Middlesex
Antonio F.D. Cabral	13th Bristol
Frank I. Smizik	15th Norfolk
Martin J. Walsh	13th Suffolk
Barbara A. L'Italien	18th Essex
Martha M. Walz	8th Suffolk
Jennifer M. Callahan	18th Worcester
Kay Khan	11th Middlesex
Carl M. Sciortino, Jr.	34th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO BRING CHILD SUPPORT HOME.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 21 of Chapter 18 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after the first sentence the following:-- In enforcing its
3 subrogation rights, the department shall not require any recipient to assign support arrears which accrued
4 before the family began receiving assistance.

5 SECTION 2. Section 2 of chapter 118 of the General Laws, as so appearing, is hereby amended
6 by inserting at the end of the first paragraph the following:-- Child support collections shall be paid to a
7 recipient of benefits under this chapter to the extent that the federal government will waive or not have a
8 claim to a federal share of such collections pursuant to 42 U.S.C. section 657. Any amounts paid to the
9 family under this provision shall be disregarded in determining the amount of assistance provided to the
10 family.

11 SECTION 3. Subsection (b) of section 2 of chapter 119A of the General Laws, as so appearing,
12 is hereby amended by inserting at the end the following:-- Pursuant to Title IV, Part D of the Social
13 Security Act, in the case of former recipients of assistance, the IV-D agency shall pay to the family all
14 support payments collected, including payments on arrears assigned to the state and payments collected
15 through federal tax refund offset.

16 SECTION 4. The Commonwealth shall discontinue any assignments, made between October 1,
17 1997 and the effective date of this section, of rights to support obligations accruing before the date on
18 which a recipient began to receive public assistance. The IV-D agency shall treat support amounts
19 collected pursuant to such discontinued assignments as if the amounts had never been assigned and shall
20 distribute the amounts to the recipient.

21 SECTION 5. Notwithstanding any general or special law to the contrary, the IV-D agency may
22 collect child support paid on behalf of current or former recipients of transitional aid to families with
23 dependent children benefits funded solely with state funds, and if such collections are made, the
24 Commonwealth shall apply the same policies with regard to payment and disregard of such collections as
25 are applied to current or former recipients of benefits funded in whole or in part with federal funds.

26 SECTION 6. The department of revenue shall submit a report on or before July 1, 2009
27 to the chairs of the house and senate committees on ways and means and the chairs of the joint
28 committee on revenue setting forth in detail the steps the department has taken and plans to take
29 to implement sections 1 through 5 effective October 1, 2009; provided further, that said report
30 shall include a timetable for accomplishing each of the steps the department determines is
31 necessary to implement sections 1 through 5 effective October 1, 2009.

32 SECTION 7. Sections 1 through 5 shall take effect on October 1, 2009.