START\_STATUTE23-789.  Recovery of child support obligations; definitions

A.  When an individual files an initial claim for unemployment compensation, he shall disclose whether he is liable for child support obligations.  Upon a disclosure of liability for child support obligations, and a determination of eligibility for unemployment compensation, the department shall notify the state child support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.

B.  The department shall deduct and withhold from any unemployment compensation payable to an individual who is liable for child support obligations:

1.  The amount, if any, determined pursuant to an agreement submitted to the unemployment compensation component of the department under section 454(20)(B)(i) of the social security act, as amended, by the state child support enforcement agency.

2.  Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process as defined in section 462(e) of the social security act, as amended, properly served upon the department.

3.  The amount specified by the individual to the unemployment compensation component of the department to be deducted and withheld under this subsection, if neither paragraph 1 nor 2 of this subsection is applicable.

4.  The amount specified by the child support enforcement agency pursuant to court order, as the amount the individual is liable for child support obligations.

C.  Any amount deducted and withheld under this section shall:

1.  Be paid to the appropriate entity as directed by the state child support enforcement agency.

2.  For all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state child support enforcement agency and credited to the individual's child support obligations.

D.  The state child support enforcement agency shall reimburse the unemployment compensation component of the department for administrative costs incurred by the unemployment insurance component which are attributable to this section.

E.  In this section, unless the context otherwise requires:

1.  "Child support obligations" means obligations which are being enforced pursuant to a plan described in section 454 of the social security act, as amended, which has been approved by the secretary of health and human services under part D of title IV of the social security act, as amended.

2.  "State child support enforcement agency" means any agency or component of any agency of this state operating pursuant to a plan as described in paragraph 1 of this subsection.

3.  "Unemployment compensation payable" means any compensation which, but for this section, would be payable directly to an individual under this chapter, including amounts payable by the department pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment, but not including amounts deducted to repay overpayments in accordance with the provisions of sections 23‑787, 23‑788 and 23‑790. END\_STATUTE