

SENATE BILL No. 71

By Committee on Judiciary

1-24

1 AN ACT concerning workers compensation; relating to enforcement of an
2 order of support; amending K.S.A. 2016 Supp. 44-514 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 44-514 is hereby amended to read as
7 follows: 44-514. (a) Except as provided in ~~subsection (b)~~ *this section* and
8 the income withholding act, K.S.A. 2016 Supp. 23-3101 et seq., and
9 amendments thereto, no claim for compensation, or compensation agreed
10 upon, awarded, adjudged, or paid, shall be assignable or subject to levy,
11 execution, attachment, garnishment, or any other remedy or procedure for
12 the recovery or collection of a debt, and this exemption cannot be waived.

13 (b) Claims for compensation, or compensation agreed upon, adjudged
14 or paid, ~~which~~ *that* are paid to a worker on a weekly basis or by lump sum
15 shall be subject to enforcement of an order for support *of a child* by means
16 *of an income withholding order issued pursuant to K.S.A. 2016 Supp. 23-*
17 *3101 et seq., and amendments thereto, and served upon the payor of*
18 *benefits by the secretary for children and families, or a contractor acting*
19 *on behalf of the secretary, providing support enforcement services*
20 *required under part D of title IV of the federal social security act, 42*
21 *U.S.C. § 651 et seq., and by K.S.A 2016 Supp. 39-709 and 39-756, and*
22 *amendments thereto. The compensation subject to withholding shall be*
23 *controlled by K.S.A. 2016 Supp. 23-3102, 23-3103 and 23-3104, and*
24 *amendments thereto.*

25 (c) *Claims for compensation, or compensation agreed upon,*
26 *adjudged or paid, that are paid to a worker on a weekly basis or by lump*
27 *sum shall be subject to enforcement of an order for support or*
28 *maintenance of a spouse or ex-spouse by means of a voluntary or*
29 *involuntary assignment of a portion of the compensation.*

30 (1) ~~Any~~ *An* involuntary assignment *for the support or maintenance of*
31 *a spouse or ex-spouse* shall be obtained by motion filed within the case
32 which is the basis of the existing order of support.

33 (A) ~~Any~~ *A* motion seeking an involuntary assignment of
34 compensation *for the support or maintenance of a spouse or ex-spouse*
35 shall be served on the claimant and the claimant's counsel to the workers
36 compensation claim, if known, the motion shall set forth:

- 1 (i) The amount of the current support order to be enforced;
- 2 (ii) the amount of any arrearage alleged to be owed under the support
3 order;
- 4 (iii) the identity of the payer of the compensation to the claimant, if
5 known; and
- 6 (iv) whether the assignment requested seeks to attach compensation
7 for current support or arrearages or both.

8 (B) Motions for involuntary assignments of compensation *for the*
9 *support or maintenance of a spouse or ex-spouse* shall be granted. The
10 relief granted for:

11 (i) Current support shall be collectible from benefits paid on a weekly
12 basis but shall not exceed 25% of the worker's gross weekly compensation
13 excluding any medical compensation and rehabilitation costs paid directly
14 to providers.

15 (ii) Past due support shall be collectible from lump-sum settlements,
16 judgments or awards but shall not exceed 40% of a lump sum, excluding
17 any medical compensation and rehabilitation costs paid directly to
18 providers.

19 (2) In ~~any~~ a proceeding under this subsection, the court may also
20 consider the modification of the existing support order upon proper notice
21 to the other interested parties.

22 (3) ~~Any~~ An order of involuntary assignment of compensation *for the*
23 *support or maintenance of a spouse or ex-spouse* shall be served upon the
24 payer of compensation and shall set forth the:

- 25 (A) Amount of the current support order;
- 26 (B) amount of the arrearage owed, if any;
- 27 (C) applicable percentage limitations;
- 28 (D) name and address of the payee to whom assigned sums shall be
29 disbursed by the payer; and
- 30 (E) date the assignment is to take effect and the conditions for
31 termination of the assignment.

32 ~~(4)(d) For the purposes of~~ *As used in this section*:

33 (1) "Order for support *of a child*" means any order of any Kansas
34 court, authorized by law to issue such an order, ~~which that~~ provides for the
35 payment of funds for the support of a child ~~or for maintenance of a spouse~~
36 ~~or ex-spouse~~, and includes such an order ~~which that~~ provides for payment
37 of an arrearage accrued under a previously existing order and
38 reimbursement orders, including, but not limited to, an order established
39 pursuant to K.S.A. 39-718a, prior to its repeal; K.S.A. 39-718b, and
40 amendments thereto; or an order established pursuant to the uniform
41 interstate family support act, K.S.A. 2016 Supp. 23-36,101 et seq., and
42 amendments thereto; *and*

43 (2) "*order for support or maintenance of a spouse or ex-spouse*"

1 *means any order of any Kansas court, authorized by law to issue such an*
2 *order; that provides for the payment of funds for the support or*
3 *maintenance of a spouse or ex-spouse, and includes such an order that*
4 *provides for payment of an arrearage accrued under a previously existing*
5 *order and reimbursement orders, including, but not limited to, an order*
6 *established pursuant to the uniform interstate family support act, K.S.A.*
7 *2016 Supp. 23-36,101 et seq., and amendments thereto.*

8 ~~(5)~~(e) For all purposes under this section, each obligation to pay child
9 support or order for ~~child~~ support *of a child* shall be satisfied prior to
10 satisfaction of any obligation to pay or order for *support or* maintenance of
11 a spouse or ex-spouse.

12 Sec. 2. K.S.A. 2016 Supp. 44-514 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its
14 publication in the statute book.