

SENATE No. 36

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 Official Edition, is hereby amended by inserting after the first sentence the following:-- In
3 enforcing its subrogation rights, the department shall not require any recipient to assign support
4 arrears which accrued before the family began receiving assistance.

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

11 SECTION 3. Subsection (b) of section 2 of chapter 119A of the General Laws, as so
12 appearing, is hereby amended by inserting at the end the following:-- Pursuant to Title IV, Part D
13 of the Social Security Act, in the case of former recipients of assistance, the IV-D agency shall

14 pay to the family all support payments collected, including payments on arrears assigned to the
15 state and payments collected through federal tax refund offset.

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

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

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

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