

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 1579. Service of Income Withholding Notice.

(a) The accrual of a delinquency as a condition for service of an income withholding notice, as provided for under the exception to immediate withholding in 8 CMC § 1575(a), shall apply only to the initial service of an income withholding notice on a payor of the obligor.

(b) Notwithstanding the exception to immediate withholding contained in 8 CMC § 1575(a), if the tribunal finds at the time of any hearing that an arrearage has accrued, the tribunal shall order immediate service of an income withholding notice upon the payor.

(c) If the order for support contains a provision for exception to immediate withholding, provided for in 8 CMC § 1575(a), and provides that an income withholding notice is to be prepared and served on the payor only if the obligor becomes delinquent in payment of support ordered, the obligor may execute a written waiver of that condition and request immediate service of the income withholding notice on the payor.

(d) Service on the payor shall be in person in the same manner as a summons in a civil action, or by any form of mail requiring a return receipt. At the time of service on the payor and as notice that withholding has commenced, the obligee or public office shall serve a copy of the income withholding notice on the obligor in the same manner as a summons in a civil action, or by any form of mail requiring a return receipt to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed with the Clerk of the Court. If the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing or service, the court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the obligor has suffered substantial injury due to the failure to mail or serve a copy.

(e) At any time after the initial service of an income withholding notice, any other payor of the obligor may be served with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Court.

(f) In the case of an obligor with whom an income withholding notice was previously served on the payor, a new service of an income withholding notice is not required in order to resume withholding of income if the withholding of income was terminated because of an interruption in the obligor's employment of less than 180 days.

Source: PL 14-34, § 11, modified.

Commission Comment: The Commission inserted the proper codified section referenced in subsections (a), (b), and (c) above pursuant to its authority by 1 CMC § 3806(d).