

ASSEMBLY BILL

No. 2913

Introduced by Committee on Judiciary (Kuehl (Chair), Ackerman (Vice Chair), Aroner, Bates, Bock, Corbett, House, Jackson, Longville, Robert Pacheco, Shelley, Steinberg, and Wiggins)

March 15, 2000

An act to amend Sections 5230 and 5231 of the Family Code, relating to support orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 2913, as introduced, Committee on Judiciary. Support orders: earnings assignment orders.

Existing law requires a court, when ordering a person to pay support, or when modifying an existing support order, to include in its order an earnings assignment order that requires the employer of the obligor to pay to the obligee that portion of the obligor's earnings that will cover the amount ordered for support and for arrearages. Existing law also provides that an earnings assignment order is binding on any existing or future employer upon whom a copy of the order is properly served.

This bill would provide that an earnings assignment order shall be issued and shall be effective and enforceable notwithstanding the absence of the name, address, or other identifying information regarding the obligor's employer. It would also provide that an assignment order is effective and binding upon any existing or future employer of the obligor

even if the name, address, or other identifying information regarding the employer is not stated, or is incorrect.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5230 of the Family Code is
2 amended to read:

3 5230. (a) When the court orders a party to pay an
4 amount for support or orders a modification of the
5 amount of support to be paid, the court shall include in
6 its order an earnings assignment order for support that
7 orders the employer of the obligor to pay to the obligee
8 that portion of the obligor’s earnings due or to become
9 due in the future as will be sufficient to pay an amount to
10 cover both of the following:

11 ~~(a)~~

12 (1) The amount ordered by the court for support.

13 ~~(b)~~

14 (2) An amount which shall be ordered by the court to
15 be paid toward the liquidation of any arrearage.

16 (b) *An earnings assignment order for support shall be*
17 *issued, and shall be effective and enforceable pursuant to*
18 *Section 5231, notwithstanding the absence of the name,*
19 *address, or other identifying information regarding the*
20 *obligor’s employer.*

21 SEC. 2. Section 5231 of the Family Code is amended
22 to read:

23 5231. Unless stayed pursuant to Article 4
24 (commencing with Section 5260), an assignment order is
25 effective and binding upon any existing or future
26 employer of the obligor upon whom a copy of the order
27 is served in compliance with Sections 5232 and 5233,
28 *notwithstanding the absence of the name, address, or*
29 *other identifying information regarding the support*
30 *obligor’s employer, or the inclusion of incorrect*
31 *information regarding the support obligor’s employer.*

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