

**205.778 Lien against account of noncustodial parent owing child support -- Notice --
Account activity fees -- Priority of lien.**

- (1) When the cabinet determines that the name, record address, and either Social Security number or taxpayer identification number of an account with a financial institution matches the name, record address, and either the Social Security number or taxpayer identification number of a noncustodial parent who owes past-due support, a lien or levy shall, subject to the provision of subsection (3) of this section, arise against the assets in the account at the time of receipt of the notice by the financial institution at which the account is maintained. The cabinet shall provide a notice of the match, the lien or levy arising therefrom, and the action to be taken to block or encumber the account with the lien or levy for child support payment to the individual identified and the financial institution holding the account. The financial institution shall have no obligation to hold, encumber, or surrender assets in any account based on a match until it is served with a notice of lien or order to withhold and deliver.
- (2) The cabinet shall provide notice to the individual subject to a child support lien or levy on assets in an account held by a financial institution by sending them a notice of the lien or levy to withhold and deliver within two (2) business days of the date that notice is sent to the financial institution.
- (3) A financial institution ordered to block or encumber an account shall be entitled to collect its normally scheduled account activity fees to maintain the account during the period of time the account is blocked or encumbered.
- (4) Any levy issued on an identified account by the Cabinet for Health and Family Services for past-due child support shall have first priority over any other lien or levy issued by the Department of Revenue or any other agency, corporation, or association.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 85, sec. 623, effective June 20, 2005; and ch. 99, sec. 271, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 255, sec. 48, effective July 15, 1998.

Legislative Research Commission Note (6/20/2005). This section was amended by 2005 Ky. Acts chs. 85 and 99, which do not appear to be in conflict and have been codified together.