

405.490 Answer to order to withhold -- Procedure for obligor to contest amount of delinquent support withheld.

- (1) Any person, including the obligor, who has been served with an order to withhold and deliver the obligor's property shall answer the order within twenty (20) days.
- (2) The person in possession of any obligor's property shall withhold it and deliver it to the cabinet in accordance with the secretary's directions; or the obligor may offer a bond which is satisfactory to the cabinet.
- (3) The person in possession of obligor's property shall have no liability or further responsibility after fulfilling the duties under this section.
- (4) The obligor may dispute the amount of delinquent support by requesting a dispute hearing with twenty (20) days.
- (5) If the obligor does not request a hearing, acknowledgment of the obligation is presumed and the secretary may apply the withheld property to the delinquent child support obligation.
- (6) If a hearing is requested, when property or a bond is released to the secretary pursuant to an order to withhold and deliver property, the secretary shall hold the property or bond, pending determination of the obligor's liability by a hearing officer, pursuant to KRS 405.450.
- (7) Upon a decision adverse to the Cabinet for Health and Family Services by a hearing officer, of the Circuit Court on appeal, the cabinet shall return the property together with interest at the legal rate for judgments.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 635, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 586, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 418, sec. 8, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 411, sec. 26, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 487, sec. 15, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 144, sec. 12, effective July 13, 1984.