

1 SB41
2 125294-1
3 By Senator Marsh
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/18/2011

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8 SYNOPSIS: Under existing law, in limited
9 circumstances, a court may order a rebate of
10 interest paid on delinquent child support upon
11 agreement of both the parent responsible for making
12 the child support payment and the parent to whom
13 the payment is required to be made. The parent
14 responsible for making the payment must have paid
15 the delinquent amount and have been current on
16 child support payments for at least 12 months
17 before being eligible to petition for the rebate of
18 interest.

19 This bill would authorize a court to waive
20 interest on delinquent child support payments on
21 agreement of both the parent responsible for making
22 the payment and the parent to whom the payment is
23 required to be made.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Section 30-3-6.1, Code of Alabama 1975,
3 relating to interest on delinquent child support; to authorize
4 a court to waive interest on delinquent child support payments
5 in certain circumstances.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 30-3-6.1, Code of Alabama 1975,
8 is amended to read as follows:

9 "§30-3-6.1.

10 "(a) Notwithstanding any other provision of law
11 regarding post-judgment interest, the parent responsible for
12 making child support payments who has been delinquent in
13 making the payments may petition the court that entered the
14 order for child support or the appropriate court pursuant to
15 Sections 30-3A-101 to 30-3A-906, inclusive, for a rebate of
16 interest when any of the following conditions have been met:

17 "(1) The parent has paid the past due amount and has
18 paid the current child support payments for 12 months before
19 petitioning the court.

20 "(2) The parent has entered into a repayment
21 agreement, has made all payments on the agreement for at least
22 12 months, and has paid the current child support payments for
23 12 months before petitioning the court.

24 "(b) Before a court may order a rebate of interest,
25 each party to whom interest is owed must agree in writing to
26 the rebate of interest and the amount of interest rebated. A
27 court of competent jurisdiction may reinstate the interest

1 rebated upon a subsequent finding of contempt of court for
2 failure to pay child support.

3 "(c) In addition to subsections (a) and (b), the
4 court may waive interest currently owed on delinquent child
5 support payments upon agreement of both the parent making the
6 child support payment and the parent to whom the payment is
7 made.

8 ~~"(c)(d)~~ This section shall apply to all child
9 support orders entered before and after August 1, 2004."

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.