

IN THE SENATE

SENATE BILL NO. 1010

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE PARENT RESPONSIBILITY ACT; AMENDING SECTION 32-1215, IDAHO
2 CODE, TO REVISE PROVISIONS RELATING TO THE TIME AND MANNER IN WHICH A
3 CERTAIN MOTION AND NOTICE SHALL BE SERVED.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 32-1215, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 32-1215. TERMINATION OF INCOME WITHHOLDING UPON OBLIGOR'S RE-
9 QUEST. (1) An obligor whose income is subject to withholding under this
10 chapter may request a hearing to quash, modify, or terminate the withhold-
11 ing, by filing a motion requesting such relief before the court which issued
12 the income withholding order. A copy of the motion and a notice of hearing
13 shall be served upon the obligee ~~at least five (5) days before the date set~~
14 ~~for the hearing, by personal service or certified mail, pursuant to~~ in the
15 time and in the manner provided by the Idaho rules of civil procedure.

16 (2) In a hearing to quash, modify, or terminate the income withhold-
17 ing order, the court may grant relief only upon a showing by the obligor that
18 there is a substantial probability that the obligor would suffer irreparable
19 injury and that the obligee would not suffer irreparable injury. Satisfac-
20 tion by the obligor of any delinquency subsequent to the issuance of the in-
21 come withholding order is not grounds to quash, modify, or terminate the in-
22 come withholding order.

23 (3) If an income withholding order has been in operation for twelve
24 (12) consecutive months and the obligor's support obligation is current, the
25 court may terminate the order upon motion of the obligor, unless the obligee
26 can show good cause as to why the income withholding order should remain in
27 effect.

28 (4) No order to quash, modify, or terminate an income withholding or-
29 der shall be issued unless the obligor provides proof to the court that the
30 obligee has been served with a copy of the motion and notice for hearing ~~five~~
31 ~~(5) days prior to the hearing~~ in the time and in the manner provided by the
32 Idaho rules of civil procedure, or that service is impossible because the
33 obligee has moved and failed to provide the court with a current address, as
34 required by section 32-1212, Idaho Code.