

Employer Contempt

Under Title IV-D of the Social Security Act, the CSED is responsible for collecting child support from those who are obligated to pay child support. The CSED is also responsible for enrolling children in a health benefit plan when offered through the employer of the obligated parent.

MCA 40-5-424 provides that an employer or payor who fails to honor an Order to Withhold Income is liable to the CSED for any amounts that should be withheld and delivered to the CSED. The CSED may pursue the entire amount due for the time period the employee worked and child support was not withheld.

Pursuant to MCA 40-5-821, the CSED has the authority to order an employer or payor to take steps to enroll children in a health benefit plan, to withhold premiums for coverage under the plan, and to provide information regarding the availability of coverage.

MCA 40-5-226 provides that the CSED may pursue civil contempt against any employer or payor who fails to comply with the provisions of an Order issued by the CSED. If an employer is found to be in contempt, a fine of \$500.00 may be levied against the employer or payor for each count of contempt. A separate count of contempt occurs each time the employer or payor fails to withhold and remit payment in a timely manner, and/or fails to enroll children in a health benefit plan and withhold premiums. The CSED can collect penalties by seizing and selling the employer or payor's money or property. The CSED also has the ability to suspend state licenses issued to employers or payors or take action against the employer or payor in District Court.