

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Resolution 3

In Support of the Court Fee Intercept Legislation in the United States Congress

WHEREAS, the National Association for Court Management recognizes that willful non-payment of court-ordered penalties, fines, fees, restitution, and surcharges diminishes public respect for the rule of law and that it is in the interest of the courts that their orders be honored; and

WHEREAS, significant amounts of court-imposed penalties, fines, fees, restitution, and surcharges are not paid; and

WHEREAS, the United States Treasury Offset Program allows for the federal income tax refund interception of federal tax debt, Temporary Assistance to Needy Families (TANF) child support debt, federal agency non-tax debt, non-TANF child support debt, and state tax debt (other than child support); and

WHEREAS, collection of court-imposed obligations through a tax refund intercept would be among the most accurate, least intrusive, and least burdensome methods to satisfy these debts; and

WHEREAS, collection of such debts through a tax refund intercept mechanism would contribute to public trust and confidence in the courts; and

WHEREAS, Rep. Erik Paulsen (R-MN) and Sen. Ron Wyden (D-OR) have introduced legislation in the 112th United States Congress to allow for the interception of federal income tax refunds for payment of such debts; and

WHEREAS, these federal legislators have committed to re-introduce this legislation in the current 113th Congress; and

WHEREAS, the state legislatures of Alabama, Arkansas, Delaware, New Mexico, and Oregon have approved resolutions of support for court fee intercept legislation; and

NOW, THEREFORE, BE IT RESOLVED that the National Association for Court Management supports legislation to add conforming language to federal statutes that will enable the states to intercept federal tax refunds for payment of obligations under legally enforceable court orders.

Adopted by the NACM Board on December XX, 2013.