

Public Law 103-358
103d Congress

An Act

Oct. 14, 1994
[H.R. 3694]

To amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically, sexually, or emotionally abusing a child.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Child Abuse
Accountability
Act.
5 USC 8331 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Accountability Act".

SEC. 2. GARNISHMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section 8345(j)(1) of title 5, United States Code, is amended to read as follows:

"(j)(1) Payments under this subchapter which would otherwise be made to an employee, Member, or annuitant based on service of that individual shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of—

"(A) any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation; or

"(B) any court order or other similar process in the nature of garnishment for the enforcement of a judgment rendered against such employee, Member, or annuitant, for physically, sexually, or emotionally abusing a child.

In the event that the Office is served with more than 1 decree, order, or other legal process with respect to the same moneys due or payable to any individual, such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served."

(2) Section 8345(j)(2) of title 5, United States Code, is amended by inserting "other legal process," after "order,".

(3) Section 8345(j)(3) of title 5, United States Code, is amended to read as follows:

"(3) For the purpose of this subsection—

"(A) the term 'court' means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court;

“(B) the term ‘judgment rendered for physically, sexually, or emotionally abusing a child’ means any legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical, sexual, or emotional abuse of a child, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence; and

“(C) the term ‘child’ means an individual under 18 years of age.”

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—(1) Section 8467(a) of title 5, United States Code, is amended to read as follows:

“(a) Payments under this chapter which would otherwise be made to an employee, Member, or annuitant (including an employee, Member, or annuitant as defined in section 8331) based on service of that individual shall be paid (in whole or in part) by the Office or the Executive Director, as the case may be, to another person if and to the extent expressly provided for in the terms of—

“(1) any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation; or

“(2) any court order or other similar process in the nature of garnishment for the enforcement of a judgment rendered against such employee, Member, or annuitant, for physically, sexually, or emotionally abusing a child.

In the event that the Office or the Executive Director, as the case may be, is served with more than 1 decree, order, or other legal process with respect to the same moneys due or payable to any individual, such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.”

(2) Section 8467(b) of title 5, United States Code, is amended by inserting “other legal process,” after “order.”

(3) Section 8467 of title 5, United States Code, is amended by adding at the end the following:

“(c) For the purpose of this section—

“(1) the term ‘judgment rendered for physically, sexually, or emotionally abusing a child’ means any legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical, sexual, or emotional abuse of a child, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence; and

“(2) the term ‘child’ means an individual under 18 years of age.”

(4) Section 8437(e)(3) of title 5, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: “or relating to the enforcement of a judgment for physically, sexually, or emotionally abusing a child as provided under section 8467(a).”

5 USC 8345 note. **SEC. 3. EFFECTIVE DATE.**

The amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply with respect to any decree, order, or other legal process, or notice of agreement received by the Office of Personnel Management or the Executive Director of the Federal Retirement Thrift Investment Board on or after such date of enactment.

Approved October 14, 1994.

LEGISLATIVE HISTORY—H.R. 3694:

HOUSE REPORTS: No. 103-721 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 140 (1994):
Sept. 19, considered and passed House.
Sept. 30, considered and passed Senate.