

108TH CONGRESS
1ST SESSION

H. R. 1444

To amend title 10, United States Code, to provide for garnishment of military retired pay to satisfy a judgment against a retired member of the uniformed services for physically, sexually, or emotionally abusing a child.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2003

Ms. DEGETTE introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for garnishment of military retired pay to satisfy a judgment against a retired member of the uniformed services for physically, sexually, or emotionally abusing a child.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Abuse Account-
5 ability Enhancement Act”.

1 **SEC. 2. GARNISHMENT OF MILITARY RETIRED PAY TO SAT-**
2 **ISFY JUDGMENT RENDERED FOR PHYS-**
3 **ICALLY, SEXUALLY, OR EMOTIONALLY ABUS-**
4 **ING A CHILD.**

5 (a) GARNISHMENT AUTHORITY.—Section 1408 of
6 title 10, United States Code, is amended by adding at the
7 end the following new subsection:

8 “(l) GARNISHMENT TO SATISFY A JUDGMENT REN-
9 DERED FOR PHYSICALLY, SEXUALLY, OR EMOTIONALLY
10 ABUSING A CHILD.—(1) Any payment of retired pay that
11 would otherwise be made to a member shall be paid (in
12 whole or in part) by the Secretary concerned to another
13 person if and to the extent expressly provided for in the
14 terms of a child abuse garnishment order.

15 “(2) In this section, the term ‘court order’ includes
16 a child abuse garnishment order.

17 “(3) In this subsection, the term ‘child abuse garnish-
18 ment order’ means a final decree issued by a court that—

19 “(A) is issued in accordance with the laws of
20 the jurisdiction of that court; and

21 “(B) provides in the nature of garnishment for
22 the enforcement of a judgment rendered against the
23 member for physically, sexually, or emotionally abus-
24 ing a child.

25 “(4) For purposes of this subsection, a judgment ren-
26 dered for physically, sexually, or emotionally abusing a

1 child is any legal claim perfected through a final enforce-
2 able judgment, which claim is based in whole or in part
3 upon the physical, sexual, or emotional abuse of an indi-
4 vidual under 18 years of age, whether or not that abuse
5 is accompanied by other actionable wrongdoing, such as
6 sexual exploitation or gross negligence.

7 “(5) If the Secretary concerned is served with more
8 than one court order with respect to the retired pay of
9 a member, the disposable retired pay of the member shall
10 be available to satisfy such court orders on a first-come,
11 first-served basis, with any such process being satisfied
12 out of such moneys as remain after the satisfaction of all
13 such processes which have been previously served”.

14 (b) EFFECTIVE DATE.—Subsection (l) of section
15 1408 of title 10, United States Code, shall apply with re-
16 spect to court orders received by the Secretary concerned
17 on or after the date of the enactment of this Act.

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