

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 1186
HOUSE BILL 1013

AN ACT TO AMEND THE CHILD SUPPORT ACT OF 1975 AS SET FORTH IN ARTICLE 9, CHAPTER 110 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-128, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by deleting from line 3 thereof the word "needy" and substituting therefor the word "dependent" and, further, by inserting on line 3 thereof between the words "support" and "provided" the words "required to be" and, further, by deleting the period at the end thereof and substituting therefor a semicolon and the following:

"and to provide for the establishment and administration of a program of child support enforcement in North Carolina."

Sec. 2. G.S. 110-129(3), as the same appears in the 1975 Cumulative Supplement to Volume 3A of the General Statutes, is hereby amended by inserting on line 3 thereof a period after the word "child" and deleting the remainder of the sentence.

Sec. 3. G.S. 110-129 is hereby further amended by adding the following subdivisions at the end thereof:

- (4) 'Program' means the Child Support Enforcement Program established and administered pursuant to the provisions of this Article and Title IV-D of the Social Security Act."
- (5) 'Designated representative' means any person or agency designated by a board of county commissioners or the Department of Human Resources to administer a program of child support enforcement for a county or region of the State."

Sec. 4. G.S. 110-130, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by inserting on line 3 thereof between the words "civil" and "proceedings" the words "or criminal" and, further, by deleting from lines 7 and 8 the words "of the county commissioners".

Sec. 5. G.S. 110-132(a), as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by deleting from lines 12 and 13 the words "clerk or assistant clerk of superior court" and substituting therefor the words "certifying officer or notary public or the equivalent or corresponding person of the state, territory, or foreign country where the acknowledgment is made" and, further, by deleting the second sentence thereof.

Sec. 6. G.S. 110-132(b), as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by deleting the second and fourth sentences thereof.

Sec. 7. G.S. 110-133, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by deleting from lines 4 and 5 the words "clerk or assistant clerk of superior court" and substituting therefor the words "certifying officer or notary public or the equivalent or corresponding person of the state, territory or foreign country where the acknowledgment is made" and, further, by deleting the last sentence thereof.

Sec. 8. G.S. 110-134, as the same appears in the 1978 Replacement to Volume 3A Part I of the General Statutes, is hereby amended to read as follows:

§ 110-134. Filing of affirmations, acknowledgments, agreements and orders; fees. — All affirmations, acknowledgments, agreements and resulting orders entered into under the provisions of G.S. 110-132 and G.S. 110-133 shall be filed by the clerk of superior court in the county in which they are entered. The filing fee for the institution of an action through the entry of an order under either of these provisions shall be four dollars (\$4.00)."

Sec. 9. G.S. 110-135, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by deleting therefrom the first paragraph and substituting therefor the following paragraph:

"Acceptance of public assistance by or on behalf of a dependent child creates a debt, in the amount of public assistance paid, due and owing the State by the responsible parent or parents of the child. Provided, however, that in those cases in which child support was required to be paid incident to a court order during the time of receipt of public assistance, the debt shall be limited to the amount specified in such court order. This liability shall attach only to public assistance granted subsequent to June 30, 1975, and only with respect to the period of time during which public assistance is granted, and only if the responsible parent or parents were financially able to furnish support during this period."

Sec. 10. G.S. 110-135 is hereby further amended by deleting the last sentence therefrom and substituting therefor the following sentence:

"The county attorney or an attorney retained by the county and/or State shall represent the State in all proceedings brought under this section."

Sec. 11. G.S. 110-136, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by deleting the words "20 percent (20%)" from line 8 of subsection (a), line 10 of subsection (b), and lines 4 and 5 of subsection (c) and substituting therefor the words "25 percent (25%)".

Sec. 12. G.S. 110-136(b), as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by deleting from line 1 thereof the word "county" and substituting therefor the words "designated representative".

Sec. 13. G.S. 110-137, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by inserting in the catch line between the words "the" and "county" the words "State or", and further, by inserting on line 3 thereof between the words "assignment" and "to" the words "to the State or" and, further, by inserting on line 5 thereof between the words "The" and "county" the words "State or".

Sec. 14. G.S. 110-138, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by inserting on line 6 thereof between the words "shall" and "notify" the words "without delay" and, further, by deleting from lines 6 and 7 thereof the words "of the county commissioners".

Sec. 15. G.S. 110-139, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended by inserting on line 17 thereof between the words "All" and "records" the word "nonjudicial".

Sec. 16. G.S. 110-141, as the same appears in the 1975 Supplement to Volume 3A of the General Statutes, is hereby amended to read as follows:

§ 110-141. Effectuation of intent of Article. — The North Carolina Department of Human Resources shall supervise the administration of this program in accordance with federal law and shall cause the provisions of this Article to be effectuated and to secure child support from absent, deserting, abandoning and nonsupporting parents.

In the event that a board of county commissioners fails to appoint a designated representative or notifies the Department of Human Resources at any time that it does not desire to continue to administer the program, it shall then become the duty of the Department of Human Resources to administer or provide for the administration of the program for said county within 30 days of such failure or notification."

Sec. 17. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1978.