

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 527
HOUSE BILL 186

AN ACT TO AMEND CHAPTER 110 OF THE GENERAL STATUTES TO
ESTABLISH PROCEDURES FOR THE PROVISION OF NONRECIPIENT
SERVICES AS REQUIRED BY FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-130.1. Nonrecipient services. – (a) All child support collection and paternity determination services provided under this Article to recipients of public assistance shall be made available to any individual not receiving public assistance in accordance with federal law and as contractually authorized by the nonrecipient, upon proper application and payment of a twenty dollar (\$20.00) application fee.

(b) The State shall recover the costs, in excess of the application fee, incurred in providing services to a nonrecipient by deducting ten percent (10%) of the support collected, until the costs incurred in the case have been recovered. No costs shall be charged or recovered until all public assistance debts created under this Article have been liquidated. Recoverable costs shall be the administrative and legal costs incurred in providing services; administrative costs shall not exceed the rate of fifteen dollars (\$15.00) per hour, and legal costs shall not exceed the rate of forty-five dollars (\$45.00) per hour. The appropriate judicial official shall be informed that such costs are to be collected in this manner from the individual to whom services are provided.

In all nonrecipient cases the amounts collected shall be transmitted to the Department of Human Resources and distributed in accordance with federal law and the provisions of this section. Any costs unrecovered when the responsibility for providing services terminates shall constitute a debt owed to the State by the nonrecipient applicant upon order of the court. If financially capable, the nonrecipient may be required to advance court filing fees and the initial costs of any paternity blood testing.

(c) Actions to establish or enforce a duty of support initiated under this Article shall be brought in the name of the county or State agency on behalf of the public assistance recipient or nonrecipient client. Collateral disputes between a custodial parent and noncustodial parent, involving visitation, custody and similar issues, shall be considered only in separate proceedings from actions initiated under this Article. The attorney representing the designated representative of programs under Title IV-D of the Social Security Act shall be deemed attorney of record only for proceedings under this Article, and not for such separate proceedings."

Sec. 2. G.S. 143B-153(8) is amended to add a new subsection (d) to read as follows:

"(d) Child support enforcement services as defined by G.S. 110-130.1".

Sec. 3. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1983.