

# **LEGISLATIVE RESEARCH COMMISSION**

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## **CHILD SUPPORT**



**REPORT TO THE  
1985 GENERAL ASSEMBLY  
OF NORTH CAROLINA  
1986 SESSION**

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May 28, 1986

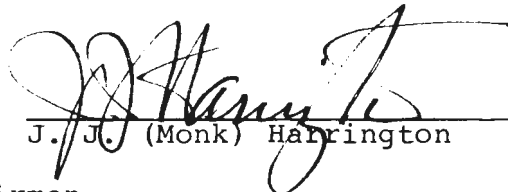
TO THE MEMBERS OF THE 1985 GENERAL ASSEMBLY (1986 Session):

The Legislative Research Commission herewith reports to the 1985 General Assembly (1986 Session) on the matter of Child Support. The report is made pursuant to Chapter 790 of the 1985 General Assembly (1985 Session).

This report was prepared by the Legislative Research Commission's Committee on Child Support and is transmitted by the Legislative Research Commission for your consideration.

Respectfully submitted,

  
Liston B. Ramsey

  
J. J. (Monk) Harrington

Cochairmen  
Legislative Research Commission

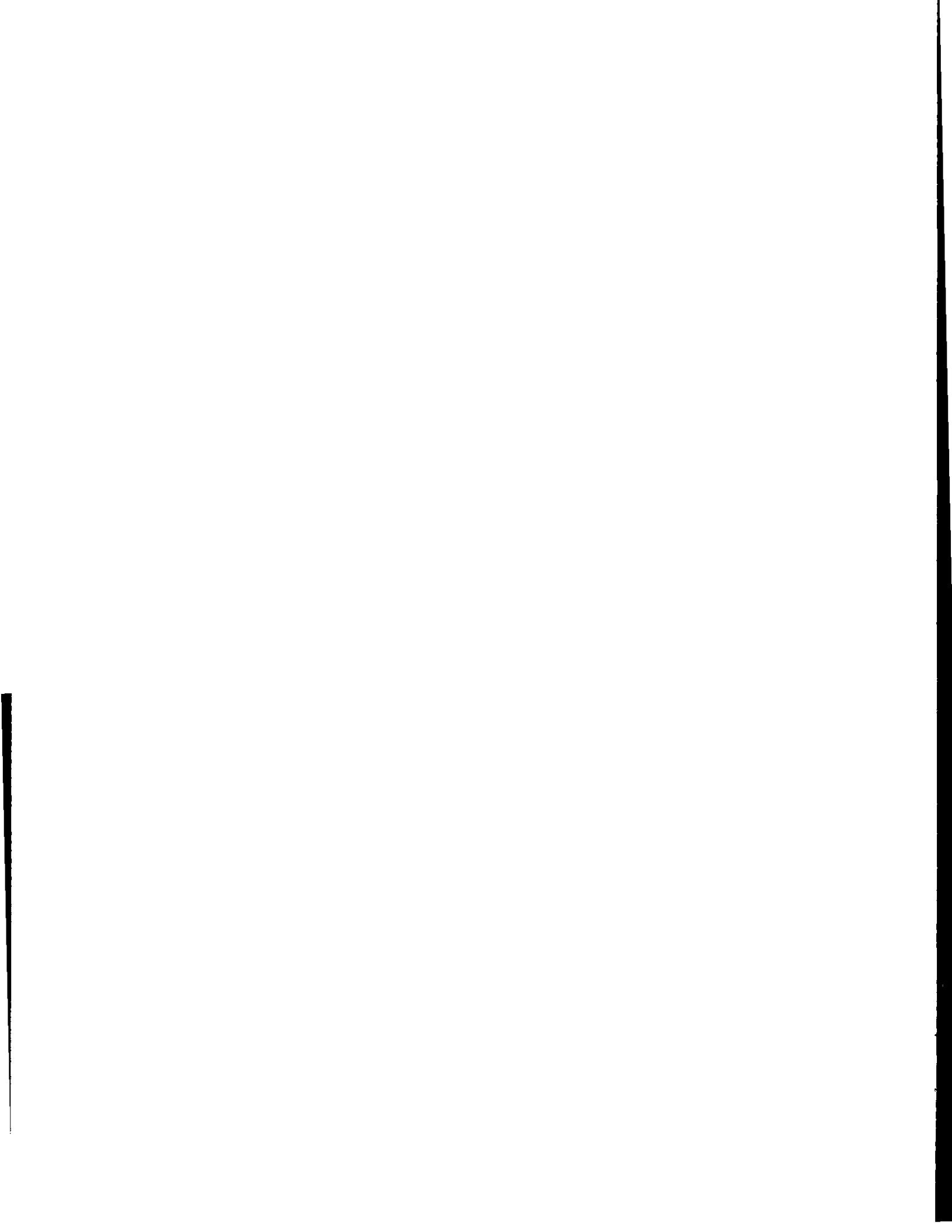


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P R E F A C E





## PREFACE

The Legislative Research Commission, authorized by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigation into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1985 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The cochairmen of the Legislative Research Commission, under the authority of General Statute 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairmen, one from each house of the General Assembly, were designated for each committee.



I N T R O D U C T I O N



## INTRODUCTION

The handling of child support from establishment through enforcement is quite an economic phenomenon in North Carolina. At present there are over 128,000 child support accounts under the management of the clerks of superior court. At any one time over fifty percent of those accounts are in default. Total collections for last year were over \$130 million.

In 1984 Congress unanimously enacted the Child Support Amendments of 1984. These amendments were in response to census data which showed the alarming number of absent parents who fail to pay child support, which backers of the legislation called a "national scandal." The amendments make major reform in child support law and require certain state laws and procedures.

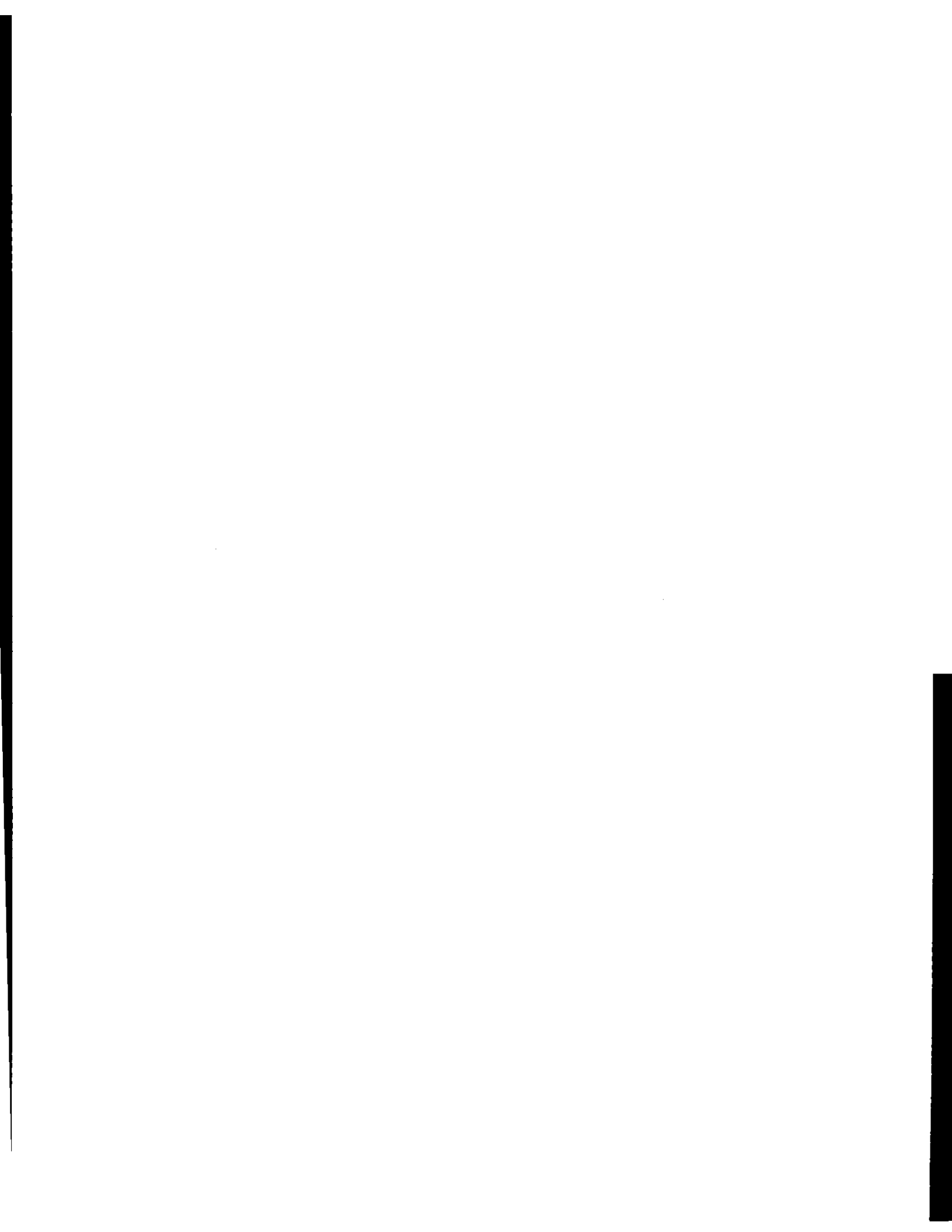
The study of child support was authorized by Subdivision (35) of Chapter 790 of the 1985 Session Laws. That act states that the Commission may consider Senate Bill 638 in determining the nature, scope and aspects of the study. Section 1 of Senate Bill 638 reads:

"The Legislative Research Commission may study the issue of child support and related matters including consideration of the need to establish a Commission to examine all issues related to child support that were set forth in the federal Child Support Amendments of 1984 (P.L. 98-378)."

Relevant portions of Chapter 790 and Senate Bill 638 are included in Appendix A of this report.

The Legislative Research Commission grouped this study in its children area under the direction of Senator Lura Tally. The Committee was chaired by Senator Helen Rhyne Marvin and Representative Ruth Easterling. The full membership of the Committee is listed in Appendix C of this report.

COMMITTEE PROCEEDINGS





## COMMITTEE PROCEEDINGS

The Child Support Study Committee met four times. Below is a short synopsis of each meeting. The more detailed minutes of each meeting are available in the Legislative Library of the Legislative Building.

### Meeting on December 13, 1985

The first meeting of the Child Support Study Committee was held December 13, 1985. The meeting was organizational in nature, and the Committee was given an overview of the present legal and administrative structure of child support in North Carolina.

Speakers were present from various governmental agencies, and public and private groups, including the Administrative Office of the Courts, Department of Human Resources, Clerks of Court, private attorneys, Legal Services and the District Court System. Each speaker reviewed his role in child support delivery and commented on problems and suggestions for the work of the Study Committee. The Committee also heard from the speakers as to what the obligations of North Carolina were under the federal Child Support Amendments of 1985 (See Appendix D).

The problems listed by the various speakers are as follows:

- 1) Increasing caseload in the judicial system and offices of the clerks of superior court;
- 2) Large number of statutes on child support scattered

- throughout many chapters;
- 3) Multiple tracks with varying remedies;
  - 4) Differing services between judicial districts;
  - 5) Timeliness of collections;
  - 6) Cost recovery and cost effectiveness;
  - 7) Maximization of federal funding;
  - 8) Computerization and distribution of the money;
  - 9) Single portal of entry;
  - 10) Interstate handling of cases;
  - 11) Duplication and barriers to services;
  - 12) Fathers' rights.

Meeting on February 6 and 7, 1986

The second meeting of the Child Support Study Committee was a two-day meeting on February 6 and 7, 1986. The February 6 meeting was designed for a full day on "single portal of entry," and the February 7 meeting was devoted to consideration of bills to recommend to the 1986 Session of the General Assembly.

On the topic of single portal of entry, many different opinions were expressed by the various representatives of interested groups. Options presented to the Study Committee included: 1) single track but not a single agency, 2) single designated state agency, 3) establishment of a "family law magistrate" to hear child support matters, or 4) no single portal of entry. Private attorneys expressed concern over the limitless range of situations which require different recourses and that child support should not be placed in one "administrative box."

Most speakers reiterated that the remedies available in criminal court should remain, since they are the most effective. The Committee heard that single portal of entry is most effective in enforcement, not establishment, of child support.

The Committee next reviewed the Expedited Process Bill proposed by an Advisory Committee working under the Administrative Office of the Courts. Much discussion centered around the qualifications of the hearing officer - specifically, what the education and experience of that individual should be. The Committee made some minor changes to the bill and directed that some language be included to provide a procedure upon a deadlock in counties that would be required to establish a child support hearing officer.

In considering S.B. 303 on Income Withholding, the Committee took no final action but spent considerable time in discussing a proposed substitute. Questions arose as to what income should be covered by the committee substitute. Attorneys fees and court costs were added to the provisions regarding non-IV-D cases. Certain procedural details were changed and some minor language was rewritten. The Committee heard comment from the business community who had many concerns regarding income withholding, including employers' obligations, how the civil penalty would apply, and how an employer could seek to terminate withholding.

Meeting on March 21, 1986

The third meeting of the Child Support Study Committee was

March 21, 1986. The Committee took action on the Expedited Process Bill and the Committee Substitute for Senate Bill 303.

The Expedited Process Bill was approved after the changes from the last meeting were reviewed and discussed.

The Committee Substitute for S.B. 303 was again considered by the Study Committee. Two further changes were approved by the Committee: 1) to require the employer to compute the appropriate percentage when the set amount of money to be withheld is not available in the employee's salary for that pay period, and 2) to allow an action for damages or reinstatement by an employee when penalizing action is taken by the employer against the employee solely because of withholding. The Committee then approved the Committee Substitute for S.B. 303 with those changes for recommendation to the 1986 Session of the General Assembly.

The next topic considered by the Committee was Child Support Guidelines. By October, 1987, federal law requires that all States have uniform, statewide guidelines that are numerical and narrative. Janet Mason of the Institute of Government reported on the DHR Task Force Report to the Secretary of DHR. Ms. Mason also reviewed the report of the Conference of Chief District Court Judges to the Chief Justice of the Supreme Court. The Committee then instructed Staff to draft a bill to incorporate language that the Conference of Chief District Court Judges shall draw the guidelines, which shall be advisory. After two years the Administrative Office of the Courts shall survey the judicial districts on the effectiveness of the guidelines and report to the General Assembly.

The issue of administration of the IV-D Program was next

considered by the Committee. Christine Sutton, Section Chief of the Wake County IV-D Program cited both the advantages and disadvantages of conversion to a completely state-operated system. Disadvantages include: 1) start-up costs, 2) loss of county or courthouse space, 3) loss of county computerization, 4) changeover and disruption, 5) loss of local support, and 6) collections might decrease for a period of time. Advantages include: 1) salaries would be higher, 2) more staff, and 3) several counties could be combined into one system. Ms. Sutton recommended that the system be kept as it is now.

Patrice Roesler, speaking for the County Commissioners Association, recommended maximum county flexibility and for the State to pay fifty percent of the nonfederal share of the program expenses.

J. E. Neves, Director of the Western Regional DSS Office, reported on the recommendations of the DHR Task Force to the Secretary of DHR. The Task Force recommended that the General Assembly enact legislation to delete the county option and "freeze" the system. Counties would be allowed to take the program back from the State. If counties operate the program, the State should share 50/50 of the nonfederal costs. The General Assembly should require DHR to establish program standards, and funding should be sufficient to implement the standards.

It was noted by Nina Yeager of Fiscal Research that if the State took over fifty percent of the nonfederal share, the cost to the State would be \$1.5-\$1.6 million. It would also be new policy for the State to cover the nonfederal share of administrative costs.

Meeting on April 11, 1986

The final meeting of the Child Support Study Committee was held April 11, 1986. The Committee approved the report and the proposed legislation for recommendation to the Legislative Research Commission and the 1986 Session of the General Assembly.

A D M I N I S T R A T I O N   O F   T H E

I V - D   P R O G R A M





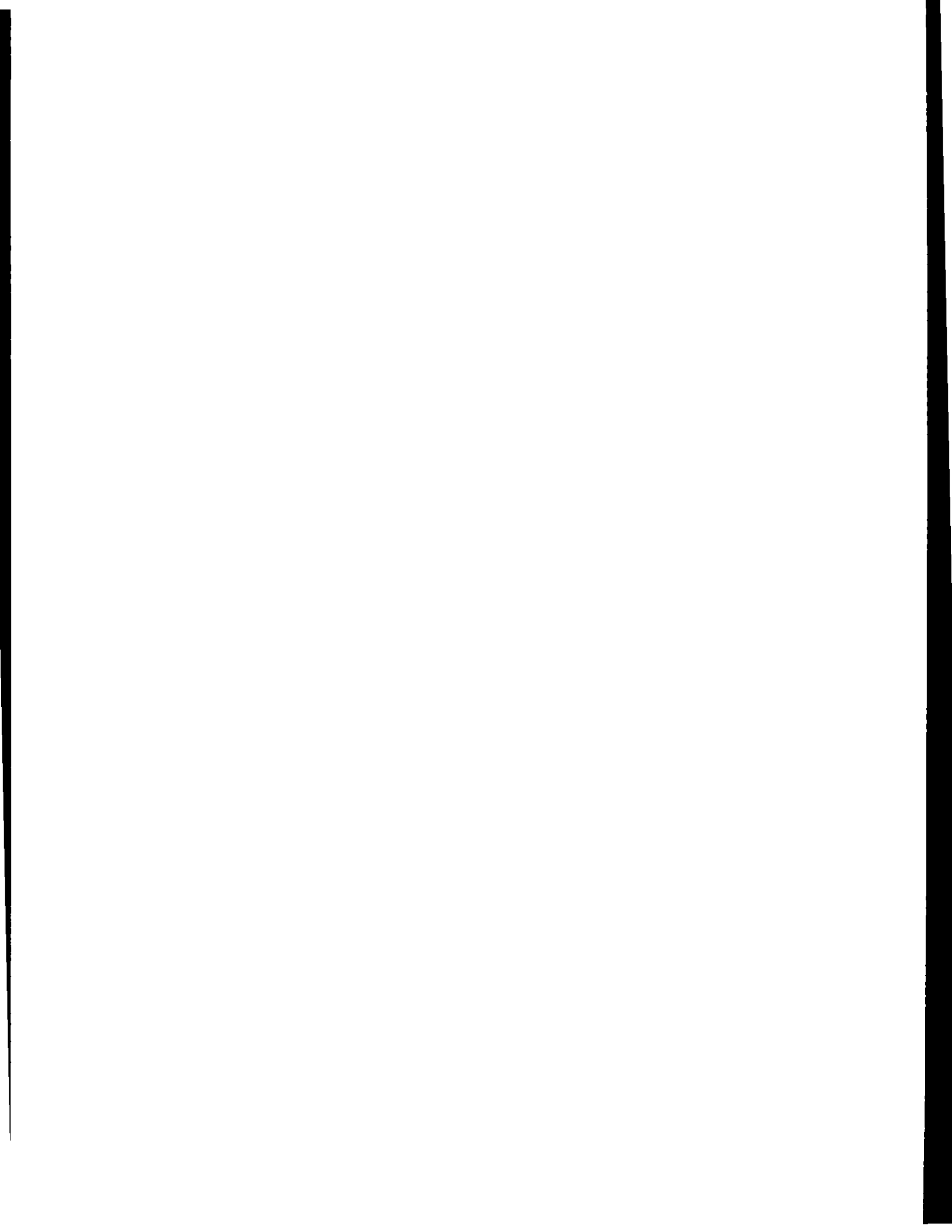
## ADMINISTRATION OF THE IV-D PROGRAM

The Committee heard evidence that there are excellent state-operated programs and excellent county-operated programs, and the Committee thinks it would not be cost-effective nor prudent to require either program to switch over to the other administration. Accordingly, the Committee recommends that no more counties be allowed to return the administration of the IV-D Program to the State, but that any county, upon a year's notice to the State, may be granted permission to establish a county-administered program.

The Committee recognizes the need for some state subsidy of the nonfederally-funded administrative costs of the IV-D Program borne by counties. The Committee recommends that Fiscal Research and the Department of Human Resources develop a formula or incentive program or some other option by which to provide this subsidy. A possible option could be for the State to absorb at least fifty percent (50%) of the nonfederally-funded administrative costs. The Committee recommends that Fiscal Research and the Department of Human Resources develop the proposals and report on or before the convening of the 1987 Legislative Session.



A P P E N D I C E S



“(d) It shall be unlawful to operate a noncommercial passenger vehicle registered or which is required to be registered in this State, including passenger cars, pickup trucks and passenger vans, upon any highway or public vehicular area with a windshield or any other window which does not meet the light transmittance requirements of federal motor vehicle safety standard No. 205. Provided, vehicles with a windshield or any other window installed prior to August 1, 1985 which does not meet the light transmittance requirements of federal motor vehicle standard No. 205 or vehicles transporting deceased human remains will be exempt from the provisions of this subsection.

(e) No motor vehicle inspection certificate shall be issued on or after January 1, 1987 for a motor vehicle subject to subsection (d) with a windshield or any other window which does not meet the light transmittance requirements of federal motor vehicle safety standard No. 205. Any motor vehicle otherwise subject to subsection (d) will be exempt from the provisions of this subsection provided the vehicle owner provides the motor vehicle inspector a document, attesting that any windshield or any other window not in compliance with subsection (d) was installed prior to August 1, 1985.”

**Sec. 2.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

S.B. 636

## CHAPTER 790

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, MAKING TECHNICAL AMENDMENTS THERETO, AND TO MAKE OTHER AMENDMENTS.

*The General Assembly of North Carolina enacts:*

**Section 1.** Studies Authorized. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1985 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

- (1) Continuation of the Study of Revenue Laws (H.J.R. 17-Lilley),
- (2) Continuation of the Study of Water Pollution Control (H.J.R. 141-Evans),
- (3) Adolescent Sexuality Teaching (H.J.R. 275-Jerals),
- (4) Continuation of the Study on the Problems of the Aging (H.J.R. 322-Greenwood),
- (5) Continuation of the Study of Municipal Incorporations (H.J.R. 389-Greenwood),
- (6) School Discipline (H.J.R. 861-Colton),
- (7) Bail Bondsmen and Bail Bond Forfeiture (H.B. 967-Watkins),
- (8) Preventative Medicine (H.B. 1052-Locks),
- (9) Life Care Arrangements (H.B. 1053-Locks),
- (10) State Personnel System (H.B. 1064-Wiser),
- (11) Long-Term Health Care Insurance (H.B. 1103-Locks),
- (12) Itinerant Merchants (H.B. 1170-Lancaster),

**CHAPTER 790**

Session Laws—1985

- (13) Manufactured Housing Zoning (H.B. 1178-Ballance; S.B. 636-Plyler),
- (14) Interest Rate Regulation (H.J.R. 1227-Evans),
- (15) Underground Storage Tank Leakage Hazards and other ground water hazards (H.B. 1281-Locks),
- (16) Mental Patient Commitments (H.J.R. 1313-Miller),
- (17) High-Level Radioactive Waste Disposal (H.B. 1373-Diamond; S.B. 655-Hipps),
- (18) Stun Guns (H.J.R. 1390-McDowell),
- (19) Continuation of the Study of Water Quality in Haw River and B. Everett Jordan Reservoir (H.J.R. 1393-Hackney),
- (20) Authority of Boards of County Commissioners in Certain Counties over Commissions, Boards and Agencies (H.J.R. 1405-Holroyd),
- (21) Superintendent of Public Instruction and State Board of Education (H.J.R. 1412-Nye),
- (22) Rental Referral Agencies (H.B. 1421-Stamey),
- (23) Child Abuse Testimony Study (S.B. 165-Hipps),
- (24) Home Schooling Programs (S.J.R. 224-Winner),
- (25) Pretrial Release (S.J.R. 297-Winner),
- (26) Inmate Substance Abuse Therapy Program (S.J.R. 317-Plyler),
- (27) Inmate Work-Release Centers (S.B. 406-Swain),
- (28) Community College System (S.B. 425-Martin),
- (29) Community Service Alternative Punishment and Restitution (S.B. 495-Swain),
- (30) State Employee Salaries and Benefits (S.B. 514-Jordan),
- (31) State Infrastructure Needs (S.B. 541-Royall),
- (32) Commercial Laboratory Water Testing (S.B. 573-Taft),
- (33) Outdoor Advertising (S.B. 611-Thomas, R.P.),
- (34) Premium Tax Rate on Insurance Companies (S.B. 633-Hardison)
- (35) Continuation of the Study of Child Support (S.B. 638-Marvin),
- (36) Local Government Financing (S.B. 670-Rauch),
- (37) Medical Malpractice and Liability (S.B. 703-Taft),
- (38) Marketing of Perishable Food (S.B. 718-Basnight),
- (39) Child Protection (S.B. 802-Hipps),
- (40) Legislative Ethics and Lobbying (S.B. 829-Rauch),
- (41) Satellite Courts (S.B. 850-Barnes),
- (42) Substantive Legislation in Appropriations Bills (S.B. 851-Rand),
- (43) School Finance Act (S.B. 848-Taft).

**Sec. 2.** Transportation Problems at Public Facilities. The Legislative Research Commission may identify and study transportation problems at public transportation facilities in North Carolina.

**Sec. 2.1.** The Legislative Research Commission may study the feasibility of the prohibition of investment by the State Treasurer of stocks of the retirement systems listed in G.S. 147-69.2(b)(6), or of the assets of the trust funds of The University of North Carolina and its constituent institutions deposited with the State Treasurer pursuant to G.S. 116-36.1 and G.S. 147-69.2(19) in a financial institution that has outstanding loans to the Republic of South Africa or in stocks, securities, or other obligations of a company doing business in or with the Republic of South Africa.

**Sec. 3. Reporting Dates.** For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1987 General Assembly, or the Commission may make an interim report to the 1986 Session and a final report to the 1987 General Assembly.

**Sec. 4. Bills and Resolution References.** The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

**Sec. 5.** The last sentence of G.S. 120-19.4(b) is amended by deleting the citation "G.S. 5-4" and inserting in lieu thereof the following: "G.S. 5A-12 or G.S. 5A-21, whichever is applicable".

**Sec. 6.** G.S. 120-99 is amended by adding a new paragraph to read:

"The provisions of G.S. 120-19.1 through G.S. 120-19.8 shall apply to the proceedings of the Legislative Ethics Committee as if it were a joint committee of the General Assembly, except that the chairman shall sign all subpoenas on behalf of the Committee."

**Sec. 7.** G.S. 120-30.17 is amended by adding a new subsection to read:

"(9) For studies authorized to be made by the Legislative Research Commission, to request another State agency, board, commission or committee to conduct the study if the Legislative Research Commission determines that the other body is a more appropriate vehicle with which to conduct the study. If the other body agrees, and no legislation specifically provides otherwise, that body shall conduct the study as if the original authorization had assigned the study to that body and shall report to the General Assembly at the same time other studies to be conducted by the Legislative Research Commission are to be reported. The other agency shall conduct the transferred study within the funds already assigned to it."

**Sec. 8.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

S.B. 489

## CHAPTER 791

AN ACT TO MAKE ADDITIONAL APPROPRIATIONS FOR VARIOUS STATEWIDE PROJECTS AND FOR OTHER PURPOSES.

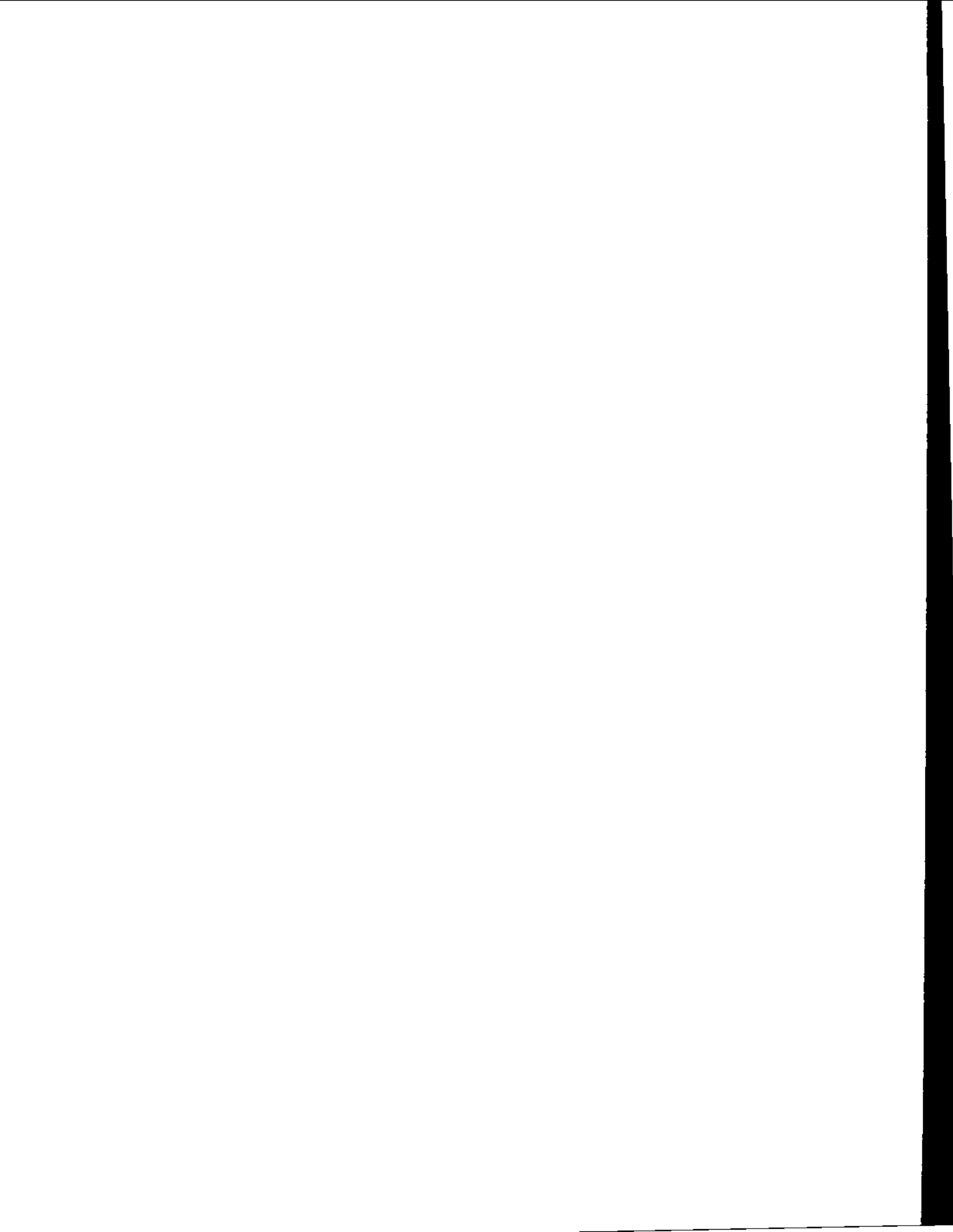
*The General Assembly of North Carolina enacts:*

**Section 1.** The outline that follows shows the heading "—CONTENTS/INDEX—" and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act. This outline is for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act.

—CONTENTS/INDEX—

—SCHOOL QUALITY ASSURANCE FUNDS

Sec. 2.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1985



2

SENATE BILL 638  
Second Edition Engrossed 6/7/85

Short Title: LRC Child Support Study.

(Public)

Sponsors: Senator Marvin.

Referred to: Rules and Operations of the Senate.

May 15, 1985

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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY  
CHILD SUPPORT ISSUES.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission may study the issue of child support and related matters[S- /][S-, including consideration of the need to establish a Commission to examine all issues related to child support that were set forth in the federal Child Support Amendments of 1984 (P.L. 98-925).] The Legislative Research Commission may make an interim report, including recommendations, to the 1985 General Assembly, Regular Session 1986, and may make a final report to the 1987 General Assembly.

Sec. 2. This act is effective upon ratification.



## LEGISLATIVE RESEARCH COMMISSION

## MEMBERSHIP LIST

Speaker Liston B. Ramsey Co-Chairman	Walnut Creek Road Marshall, N.C. 28753	(704) 649-3961
Sen. J. J. Harrington Co-Chairman	3 Roanoke Trail Lewiston/Woodville, N.C. 27849	(919) 348-2329
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Sen. Henson Barnes	707 Park Ave. Goldsboro, N.C. 27530	(919) 735-3518
Rep. John Church	420 Woodland Road Henderson, N.C. 27536	(919) 438-5368
Rep. Bruce Ethridge	Route 2, Box 27 Swansboro, N.C. 28584	(919) 326-5989
Rep. Aaron Fussell	1201 Briar Patch Lane Raleigh, N.C. 27609	(919) 876-0240
Sen. A. D. Guy	306 Woodland Drive Jacksonville, N.C. 28540	(919) 455-2980
Sen. Ollie Harris	921 Sharon Drive Kings Mtn., N.C. 28086	(704) 739-5745
Sen. Lura Tally	3100 Tallywood Drive Fayetteville, N.C. 283030	(919) 484-4868
Sen. Robert Warren	Route 3, Box 25 Benson, N.C. 27504	(919) 894-3944
Rep. Barney Paul Woodard	Box 5 Princeton, N.C. 27569	(919) 936-6641

Subject: Child support  
 Auth: Chapter 790 § 1 (35) (SB 636-Sen. Plyler, et al), SB  
 638 (Sen. Marvin)

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Ms. Bobby Robinson  
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Clerk: Ms. Sarah Murphy  
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Rep. Daniel H. DeVane  
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Rep. Lois S. Walker  
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Rep. Richard Wright  
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SUMMARY  
CHILD SUPPORT ENFORCEMENT  
AMENDMENTS OF 1984

PROVISION	REQUIREMENT	STATUS	REMARKS
Income Withholding	State agencies must provide for wage withholding in IV-D cases when arrearages accrue equal to one month's support. All new or modified orders issued in the State must include a provision for wage withholding when arrearage occurs.	State legislation is required to implement this provision. It is anticipated that action will be taken during the 1986 legislative session.	This provision was provided for in the Department's 1985 legislative package but was not adopted.
Expedited Processes	States must use expedited judicial or administrative processes for obtaining and enforcing court orders.	An implementation delay has been requested. We are in the process of developing statistics necessary to request an eventual waiver.	
State Income Tax Refund Offset	States are required to off-set State income tax refunds to collect overdue support in all appropriate IV-D cases without regard to intrastate or interstate status.	Senate Bill 300 amended G.S.105A-2(1)d which authorizes the use of offset procedures for non-AFDC and interstate cases. Notices regarding the availability of tax intercept has been mailed to all non-AFDC clients.	Preliminary instructions have been issued to local IV-D. Additional policy instructions are to be issued.
Federal Tax Refund Offset	States must collect overdue support from Federal income tax refunds for all IV-D cases-AFDC, Non-AFDC and foster care cases.	Program manual material has been expanded to include non-AFDC cases. Notices regarding the availability of tax intercept has been mailed to all clients.	Local training accomplished August 15-22, 1985.  Policy material to be issued September 1, 1985.

**SUMMARY  
CHILD SUPPORT ENFORCEMENT  
AMENDMENTS OF 1984**

PROVISION	REQUIREMENT	STATUS	REMARKS
Imposition of Liens	State law must provide for imposing liens against real and personal property to satisfy overdue support.	No change was required in State statutes. Program manual section was developed to provide guidelines and policy to local agencies.	Training accomplished at local level August 15-22.  Policy to be issued September 1, 1985.
Posting Security or Bonds	State law must provide for posting of security bond or other guarantee by an absent parent with a pattern of overdue support.	No change in Statutes required. Policy and procedures have been developed and provided to local IV-D agencies.	Policy to be issued September 1, 1985.
Reports to Credit Bureaus	When requested, State agencies must report overdue support amounts over \$1000.00 to Credit Bureaus.	Policy with procedures for sharing information with Credit Bureaus and providing notice to absent parents has been developed.	Policy to be issued September 1, 1985.
Public Awareness	States must regularly publicize the availability of Child Support Enforcement Services.	Initial action to provide for 10 Billboards publicizing the program statewide has occurred.	Further plans to satisfy this provision will be initiated by October 1, 1985 with DHR Public Information Office.

**SUMMARY  
CHILD SUPPORT ENFORCEMENT  
AMENDMENTS OF 1984**

PROVISION	REQUIREMENT	STATUS	REMARKS
Equal Services	Wage withholding and other required techniques are mandated for non-welfare as well as welfare cases.	Amendments were made to North Carolina General Statutes to allow the use of Tax Intercept for non-AFDC cases.	Wage withholding legislation is pending - all other enforcement remedies are provided to all clients on an equal basis.
Fees for Services	States must charge an application fee up to \$25 for non-AFDC cases - to be charged to applicants, absorbed from State funds, or charged to the absent parent.	No action was required to implement this requirement.	We have charged an application fee since the beginning of services to non-AFDC clients.(1983) However, G.S.110-130.1 was amended by Senate Bill 337 which reduced the application fee from \$20 to \$10.
Support Guidelines	States must develop suggested guidelines, administratively, judicially or legislatively for establishing support amounts.	The DHR Task Force recommended that guidelines be legislated by the General Assembly. However, the Dept. maintains that such guidelines should be developed administratively.	A Committee of State and local IV-D employees are working to develop guidelines administratively.
State Commissions	Governors are to appoint commissions to oversee child support enforcement systems, with broad representation of groups most affected.	A waiver was granted by OCSE.	The DHR Task Force has been revived to study the issues assigned to the Commission.

**SUMMARY  
CHILD SUPPORT ENFORCEMENT  
AMENDMENTS OF 1984**

PROVISION	REQUIREMENT	STATUS	REMARKS
Continued IV-D Services After Termination of AFDC	States <u>must</u> continue providing service to clients for five months upon termination of AFDC benefits.	Manual material has been issued to local IV-D agencies to address the mandatory provision of services for five months after AFDC terminates.	
Mandatory Collection of Spousal Support	States must collect spousal support when an order establishes this obligation and a IV-D agency is enforcing a child support order.	Senate Bill 206 Amended G.S. 110 by adding a new section which authorizes the collection of spousal support established by a court order when the IV-D agency is enforcing a child support order.	Manual material has been prepared for review by IV-D and Policy and Liaison Committees in September.
Medical Support	Medical support must be included in child support orders when health coverage is available to an absent parent at a reasonable cost.	Manual material has been developed to provide guidance to local agencies to ensure the exchange of medical support coverage information between IV-D and local AFDC/MA units, including procedures for establishing medical support.	Policy material was issued August 1, 1985.
Notice of Collections of Assigned Support	At least annually States must provide notice of the amount of assigned support collected to current or former AFDC recipients.	Automated system changes are being made to allow for system generated notice to clients.	



**SUMMARY  
CHILD SUPPORT ENFORCEMENT  
AMENDMENTS OF 1984**

PROVISION	REQUIREMENT	STATUS	REMARKS
Accessing Federal Parent Locator Service	States are permitted to access the Federal Parent Locator Service without exhausting State Parent Locator Resources.	The absent parent location section of the program manual has been revised to meet Federal requirements.	Policy material issued August 1, 1985.
Late Payment Fees	States may provide for the imposition of a fee of 3-6 percent of overdue support on absent parents who owe overdue support in cases in which the agency is attempting to collect support.	This provision is optional - no action has been taken to implement this provision.	
Incentive Payments	Federal incentive payments which formerly applied to AFDC cases will now be based on collections for both AFDC and non-AFDC cases.	Information regarding the change in incentive payments and Federal matching funding for Administration has been shared with agencies via local and State training conferences.	A manual section is being prepared to provide this information to local agencies.
Federal Matching for Administration	Matching funds for administrative costs, now 70%, will be reduced to 68% in 1988 and 1989, and to 66% in 1990 and thereafter	A manual section is being prepared to provide this information to local agencies.	

**SUMMARY  
CHILD SUPPORT ENFORCEMENT  
AMENDMENTS OF 1984**

PROVISION	REQUIREMENT	STATUS	REMARKS
Audits and Penalties	Performance based audits of State Programs are now required. The current 5 percent penalty for States with non-complying programs is replaced with graduated penalties of from 1 to 5 percent.	Local program review requirements and procedures are being revised to be consistent with Federal regulations.	

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INTRODUCED BY:

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Referred to:

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1

A BILL TO BE ENTITLED

2

AN ACT TO AMEND THE APPLICATION FEE AND COST RECOVERY PRO-

3

VISIONS RELATED TO THE IV-D CHILD SUPPORT PROGRAM.

4

The General Assembly of North Carolina enacts:

5

6

Section 1. G.S. 110-130.1(a) is amended by deleting  
the language "a ten dollar (\$10.00) application fee" and

7

substituting "an appropriate nonrefundable application fee.

8

For applicants whose gross household income is equal to or less

9

than one hundred seventy-five percent (175%) of the then cur-

10

rently-established poverty level applicable to the applicant's

11

household size, the application fee shall be five dollars

12

(\$5.00). For applicants whose gross household income exceeds

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such poverty level, the application fee shall be twenty-five

14

dollars (\$25.00).

15

16

For purposes of this section, 'household income' means the  
sum of the gross amount of periodically recurring income which

17

accrues to the members of a collective group of individuals

18

living in one residence consisting of a natural or adoptive

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parent who has custody of a dependent child or children whose

20

other natural or adoptive parent is absent from the residence,

21

the custodial parent's current spouse, and all other dependent

22

children. 'Household size' means the sum of the persons

23

specified as living in the residence as described above."

24

1           Sec. 2. G.S. 110-130.1 is amended by rewriting  
2 subsection (b) and adding a new subsection (b1) to read:

3           "(b) Except for the application fee, the State shall not  
4 recover the costs or fees of providing services to a non-AFDC  
5 client whose household income is equal to or less than one  
6 hundred seventy-five percent (175%) of the federal poverty  
7 guidelines.

8           (b1) The State shall recover the actual costs of provid-  
9 ing services to a non-AFDC client whose gross household income  
10 exceeds one hundred seventy-five percent (175%) of the then  
11 currently-established federal poverty level applicable to the  
12 client's household size until all costs incurred on the cli-  
13 ent's behalf have been recovered. The rate of accrual of such  
14 costs shall be computed annually by the Department of Human  
15 Resources and disclosed at the time of application to the  
16 client as an hourly dollar amount for administrative services  
17 and an hourly dollar amount for attorney's services. Incurred  
18 costs may be recovered by any or all of the following means:

- 19           (1) a ten percent (10%) deduction from any support  
20           received;
- 21           (2) voluntary payments from either the responsible  
22           parent or client;
- 23           (3) payments by the responsible parent which the  
24           court may order, only if such payments do not  
25           reduce the responsible parent's ability to pay  
26           current support and arrears.

27  
28

1           The appropriate judicial official shall be informed of the  
2           available cost recovery methods at the time a support order is  
3           sought.

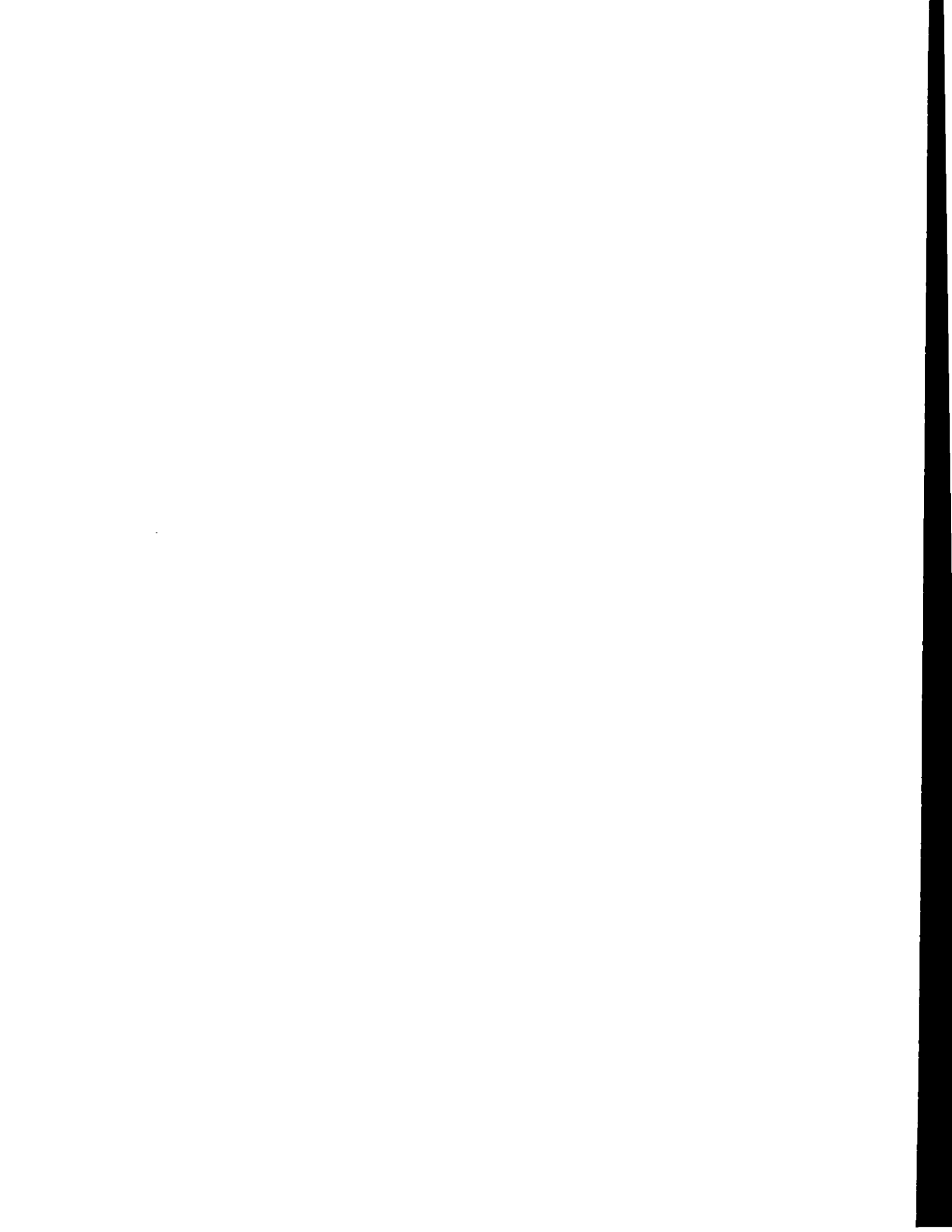
4           A client from whom costs can be recovered pursuant to this  
5           subsection shall be liable for prepayment of any necessary  
6           court filing fees and paternity blood testing fees.

7           In all cases where ongoing enforcement services are being  
8           provided to a client from whom costs can be recovered pursuant  
9           to this subsection, or in cases in which ongoing enforcement  
10          services are no longer being provided but for whom costs were  
11          incurred and can be recovered pursuant to this subsection, or  
12          in cases in which a public assistance debt which accrued  
13          pursuant to G.S. 110-135 remains unrecovered, support payments  
14          shall be transmitted to the Department of Human Resources for  
15          appropriate distribution. When services are terminated and all  
16          costs and any public assistance debts have been satisfied, the  
17          support payment shall be redirected to the client.

18          Any costs incurred pursuant to this section shall consti-  
19          tute a debt owed to the State by the client. Any costs ordered  
20          by the court under subdivision (3) above shall constitute a  
21          debt owed to the State by the responsible parent. Payment may  
22          be demanded from either or both of them."

23                 Sec. 3. Section 6 of Chapter 781 of the 1985 Session  
24                 Laws is amended by deleting the language "and shall expire June  
25                 30, 1987".

26                 Sec. 4. This act shall become effective September 1,  
27                 1986.



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INTRODUCED BY:

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Referred to:

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1                                   A BILL TO BE ENTITLED  
2       AN ACT TO ACHIEVE GREATER CONSISTENCY AND EQUITY IN THE SETTING  
3           OF CHILD SUPPORT OBLIGATION AMOUNTS THROUGH THE USE OF  
4           ADVISORY GUIDELINES.

5       The General Assembly of North Carolina enacts:

6                       Section 1. G.S. 7A-148 is amended by adding a new  
7       subsection (c) to read:

8               "(c) The chief district judges shall prescribe uniform  
9       statewide guidelines for the computation of child support  
10       obligations as provided in Chapter 50 or elsewhere in the  
11       General Statutes. The guidelines shall be advisory and shall  
12       compute the child support amount as a percentage of the  
13       obligor's gross income and shall be based on specific descrip-  
14       tive and numeric criteria, including the following: (1)  
15       special needs of the child, including physical and emotional  
16       health needs, educational needs, day-care costs, or needs  
17       related to the child's age; (2) shared physical custody ar-  
18       rangements or extended or unusual visitation arrangements; (3)  
19       a party's other support obligations to a current or former  
20       household, including the payment of alimony; (4) a party's  
21       extremely low or extremely high income, such that application  
22       of the guidelines produces an amount that is clearly too high  
23       in relation to the party's own needs or the child's needs; (5)

24

1 a party's intentional suppression or reduction of income,  
2 hidden income, income that should be imputed to a party, or a  
3 party's substantial assets; (6) support that a party is provid-  
4 ing or will be providing other than by periodic money payments,  
5 such as lump sum payments, possession of a residence, payment  
6 of a mortgage, payment of medical expenses, or provision of  
7 health insurance coverage; (7) a party's own special needs,  
8 such as unusual medical or other necessary expenses; and (8)  
9 any other factor the court finds to be just and proper. The  
10 chief district judges shall prescribe such guidelines before  
11 January 1, 1987, and may periodically review and revise the  
12 guidelines."

13           Sec. 2. The Administrative Office of the Courts  
14 shall survey the implementation of the guidelines in the  
15 judicial districts and report to the General Assembly on or  
16 before January 1, 1989.

17           Sec. 3. This act is effective upon ratification.

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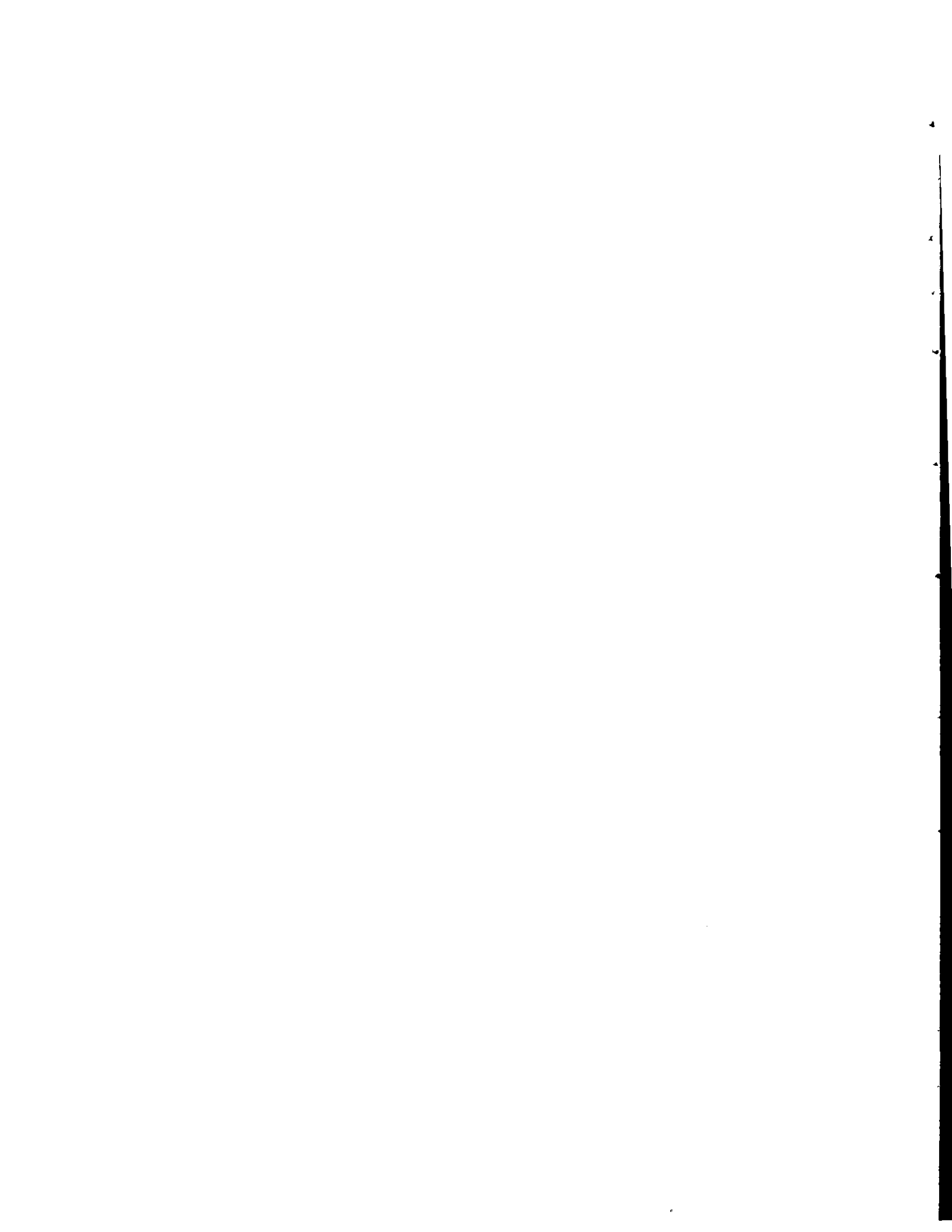
Federal Child Support Enforcement Amendments of 1984  
(Public Law 98-378)

Statutory Mandates:

	Enacted Legislation
- Income Withholding	Pending (SB 303)
- Expedited Processes	
- State Income Tax Refund Offset	+ (SB 300)
- Liens Against Property	+
- Paternity SOL	+ (SB 336)
- Security or Bond	+
- Information to Credit Agencies	
- Child and Spousal Support	+ (SB 206)
- Fees for Services	+ (SB 337)

Statutory, Administrative or Judicial Mandates:

- Notification to AFDC Recipients of Collections
- Inclusion of Medical Insurance in Support Orders
- Child Support Collections for Children in Foster Care
- Publication of Child Support Services through Public Service Announcements
- Continuation of Child Support Services when AFDC Terminates
- Support Guidelines
- State Commissions on Child Support



*North Carolina  
House of  
Representatives*



*Liston B. Ramsey, Speaker*

*Raleigh 27611  
(919) 733-3451*

February 6, 1986

*Representative Ruth Easterling  
Senator Helen R. Marvin  
Co-Chairmen  
Child Support Study Commission  
Legislative Building  
Raleigh, North Carolina 27611*

*Dear Members of the Commission:*

*Allow me to express to you my appreciation and support for the work you are doing in the vital area of child support enforcement in North Carolina.*

*This is one of the most important studies currently being conducted by the Legislative Research Commission. A sound program of child support is essential to the general welfare and, in particular, to the institution of the family.*

*Considering the conscientious manner in which you are approaching your duties, I am confident that the recommendations you arrive at will be meaningful and effective.*

*I extend to each of you my personal regards and best wishes.*

*Sincerely yours,*

A handwritten signature in cursive script that reads "Liston".

*Liston B. Ramsey*

*LBR:dhb*

*cc: The Honorable Robert Jordan, III  
The Honorable Franklin Freeman*





OFFICE OF THE LIEUTENANT GOVERNOR  
STATE OF NORTH CAROLINA  
RALEIGH 27611

ROBERT B. JORDAN III  
LIEUTENANT GOVERNOR

February 6, 1986

The Honorable Helen Marvin, Co-Chair  
The Honorable Ruth Easterling, Co-Chair  
LRC on Child Support Enforcement  
Legislative Building  
Raleigh, NC 27611

Dear Members of the Child Support Study:

I appreciate the invitation to meet with you today and regret that I cannot be in attendance. I want to stress to each of you the importance of the work you are doing for the Legislative Research Commission.

Many of the reforms recently initiated in the child support system are the result of strong leadership on the part of the General Assembly. We have seen collections increase since better enforcement measures have been mandated in North Carolina, and children of both AFDC and non-AFDC parents have benefited a great deal. Your role is vital in the coming years in further strengthening the process by which children receive from the absent parent the court-ordered support they so richly deserve.

We are at an important crossroads in implementing an effective system of child support enforcement. Our state's response to the federal Child Support Amendments of 1984 and the evaluation of reforms enacted by the legislature during the last few years is critical.

Child Support LRC  
page 2

In your deliberations, I ask that you give particular attention to the question of administrative responsibility for the child support program, the need for payment guidelines, and the processes by which child support actions can be expedited. An idea of special interest to me, is the **single intake proposal**. I want you to pursue this option with the greatest speed, possibly recommending piloting the project for some counties as early as June 1986.

Be assured of my strong interest in your work and in effectively managing the child support system so that the proper beneficiaries receive financial support. I plan to be personally involved in negotiations with the business community, the judiciary and the administration to further strengthen the child support system. Our immediate goal should be to facilitate a single portal of entry for collections enforcement and to establish good management practices for all child support actions.

These goals require our best and deserve our full and immediate attention. I know you join me in these challenges.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Jordan', written in a cursive style.

Bob Jordan

cc: The Honorable Liston Ramsey  
The Honorable Franklin Freeman

INTRODUCED BY:

Proposed Committee Substitute for SB 303

Referred to:

1

## A BILL TO BE ENTITLED

2

AN ACT TO AMEND THE GENERAL STATUTES TO ESTABLISH PROCEDURES

3

FOR WITHHOLDING FROM WAGES AND OTHER INCOME IN CHILD SUPPORT

4

CASES AS REQUIRED BY FEDERAL LAW.

5

The General Assembly of North Carolina enacts:

6

Section 1. G.S. 110-129 is amended by adding the

7

following new subdivisions at the end of the section to read:

8

"(6) 'Child Support Hearing Officer' means a clerk or

9

deputy or assistant clerk of superior court or a

10

magistrate who has been designated pursuant to

11

Article 2 of Chapter 50 to hear and enter orders

12

in child support cases.

13

(7) 'Disposable income' means any form of periodic

14

payment to an individual, regardless of sources,

15

including but not limited to wages, salary,

16

commission, self-employment income, bonus pay,

17

severance pay, sick pay, incentive pay, vacation

18

pay, compensation as an independent contractor,

19

worker's compensation, disability, annuity,

20

survivor's benefits, pension and retirement

21

benefits, interest, dividends, rents, royalties,

22

trust income and other similar payments, which

23

remain after the deduction of amounts for

24

1 federal, state, and local taxes, Social Security  
2 ty, and involuntary retirement contributions.  
3 However, Supplemental Security Income, Aid for  
4 Dependent Children, and other public assistance  
5 payments shall be excluded from disposable  
6 income.

7 For employers, wages means 'wage' as it is  
8 defined by G.S. 95-25.2(16).

9 (8) 'IV-D case' means a case in which services have  
10 been applied for or are being provided by a  
11 child support enforcement agency established  
12 pursuant to Title IV-D of the Social Security  
13 Act as amended and this Article.

14 (9) 'Non-IV-D case' means any case, other than a  
15 IV-D case, in which child support is legally  
16 obligated to be paid.

17 (10) 'Initiating party' means the party, the attorney  
18 for a party, a child support enforcement agency,  
19 or the clerk of superior court who initiates an  
20 action, proceeding, or procedure as allowed or  
21 required by law for the establishment or en-  
22 forcement of a child support obligation.

23 (11) 'Mistake of fact' means that the obligor:  
24 (a) is not in arrears in an amount equal to the  
25 support payable for one month; or  
26 (b) did not request that withholding begin, if  
27 withholding is pursuant to a purported  
28 request by the obligor for withholding; or



1 (c) is not the person subject to the court  
2 order of support for the child named in the  
3 advance notice of withholding.

4 (12) 'Obligee', in a IV-D case, means the child  
5 support enforcement agency, and in a non-IV-D  
6 case means the individual to whom a duty of  
7 support is owed or the individual's legal  
8 representative.

9 (13) 'Obligor' means the individual who owes a duty  
10 to make child support payments under a court  
11 order.

12 (14) 'Payor' means any payor, including any federal,  
13 state, or local governmental unit, of disposable  
14 income to an obligor. When the payor is an  
15 employer, payor means employer as is defined  
16 under the Fair Labor Standards Act."

17 Sec. 2. G.S. 110-136 is repealed.

18 Sec. 3. Article 9 of Chapter 110 of the General  
19 Statutes is amended by adding new sections following G.S.  
20 110-136.2 to read:

21 "§ 110-136.3. Income withholding procedures; applicabil-  
22 ity.--(a) Required contents of support orders. All child  
23 support orders, civil or criminal, entered or modified in the  
24 State beginning October 1, 1986, shall:

25 (1) require the obligor to keep the clerk of court  
26 or IV-D agency informed of his current residence  
27 and mailing address and of the name and address  
28 of any payor of his disposable income and of the

1 amount and effective date of any substantial  
2 change in his disposable income, and

3 (2) provide for implementation of income withholding  
4 procedures as provided in this Article.

5 (b) When obligor subject to withholding. An obligor  
6 shall become subject to income withholding on the earliest of:

7 (1) the date on which the obligor fails to make  
8 legally obligated child support payments in an  
9 amount equal to the support payable for one  
10 month; or

11 (2) the date on which the obligor requests withhold-  
12 ing.

13 (c) Applicability; interstate cases. Notwithstanding any  
14 other provision of law, the income withholding provisions of  
15 this Article shall apply to any civil or criminal child support  
16 order, entered or modified before, on, or after October 1,  
17 1986. In interstate cases, such provisions shall apply to a  
18 child support order of this or any other state. The law of the  
19 state in which the support order was entered shall apply in  
20 determining when withholding shall be implemented. The law and  
21 procedures of the state where the obligor is employed shall  
22 apply in all other respects.

23 (d) IV-D procedures and regulations. Procedures, rules,  
24 and regulations necessary for child support enforcement  
25 agencies to effect the income withholding provisions of this  
26 Article in IV-D cases shall be established by the Secretary of  
27 the Department of Human Resources or his designee.

28

1           "§ 110-136.4. Implementation of withholding in IV-D  
2 cases.--(a) Advance notice of withholding. When an obligor in  
3 a IV-D case becomes subject to income withholding, the obligee  
4 shall, after verifying the obligor's current employer or other  
5 payor, wages or other disposable income, and mailing address,  
6 serve the obligor with advance notice of withholding in accor-  
7 dance with G.S. 1A-1, Rule 4, Rules of Civil Procedure.

8           (b) Contents of advance notice. The advance notice to  
9 the obligor shall contain, at a minimum, the following informa-  
10 tion:

- 11                   (1) whether the proposed withholding is based on the  
12                   obligor's failure to make legally obligated  
13                   payments in an amount equal to the support  
14                   payable for one month or on the obligor's  
15                   request for withholding;
- 16                   (2) the amount of overdue support, the total amount  
17                   to be withheld, and when the withholding will  
18                   occur;
- 19                   (3) the name of each child for whose benefit the  
20                   child support is due, and information sufficient  
21                   to identify the court order under which the  
22                   obligor has a duty to support the child;
- 23                   (4) that the withholding will apply to the obligor's  
24                   wages or other sources of disposable income from  
25                   current payors and all subsequent payors and may  
26                   apply to other sources of income once the  
27                   procedures under this section are invoked;

28

1 (5) an explanation of the obligor's rights and  
2 responsibilities pursuant to this section;

3 (6) that withholding will be continued until ter-  
4 minated pursuant to G.S. 110-136.10.

5 (c) Contested withholding. The obligor may contest the  
6 withholding only on the basis of a mistake of fact. To contest  
7 the withholding, the obligor must, within 10 days of receipt of  
8 the advance notice of withholding, request a hearing in the  
9 county where the support order was entered before the child  
10 support hearing officer where established or before the dis-  
11 trict court and give notice to the obligee specifying the  
12 mistake of fact upon which the hearing request is based. If  
13 the asserted mistake of fact can be resolved by agreement  
14 between the obligee and the obligor, no hearing shall occur.  
15 Otherwise, a hearing shall be held and a determination made,  
16 within 30 days of the obligor's receipt of the advance notice  
17 of withholding, as to whether the asserted mistake of fact is  
18 valid. No withholding shall occur pending the hearing deci-  
19 sion. The failure to hold a hearing within 30 days shall not  
20 invalidate an otherwise properly entered order. If it is  
21 determined that a mistake of fact exists, no withholding shall  
22 occur. Otherwise, within 45 days of the obligor's receipt of  
23 the advance notice of withholding, the obligee shall serve the  
24 payor, pursuant to G.S. 1A-1, Rule 4, Rules of Civil Procedure,  
25 with notice of his obligation to withhold, and shall mail a  
26 copy of such notice to the obligor and file a copy with the  
27 clerk. In the event of appeal, withholding shall not be  
28 stayed. If the appeal is concluded in favor of the obligor,

1 the obligee shall promptly repay sums wrongfully withheld and  
2 notify the payor to cease withholding.

3 (d) Uncontested withholding. If the obligor does not  
4 contest the withholding within the 10-day response period, the  
5 obligee shall serve the payor, pursuant to G.S. 1A-1, Rule 4,  
6 Rules of Civil Procedure, with notice of his obligation to  
7 withhold, and shall mail a copy of such notice to the obligor  
8 and file a copy with the clerk.

9 (e) Payment not a defense to withholding. The payment of  
10 overdue support shall not be a basis for terminating or not  
11 implementing withholding.

12 (f) Multiple withholdings. The obligor must notify the  
13 obligee if the obligor is currently subject to another with-  
14 holding for child support. In the case of two or more with-  
15 holdings against one obligor, the obligee or obligees shall  
16 attempt to resolve any conflict between the orders in a manner  
17 that is fair and equitable to all parties and within the limits  
18 specified by G.S. 110-136.6. If the conflict cannot be so  
19 resolved, an injured party, upon request, shall be granted a  
20 hearing in accordance with the procedure specified in G.S.  
21 110-136.4(c). The conflict between the withholding orders  
22 shall be resolved in accordance with G.S. 110-136.7.

23 (g) Inability to implement withholding. When an obligor  
24 is subject to withholding, but withholding under this section  
25 cannot be implemented because the obligor's location is un-  
26 known, because the extent and source of his disposable income  
27 cannot be determined, or for any other reason, the obligee  
28 shall either request the clerk of superior court to initiate

1 enforcement proceedings under G.S. 15A-1344.1(d) or G.S.  
2 50-13.9(d) or take other appropriate available measures to  
3 enforce the support obligation.

4 (h) Modification of withholding. When an order for  
5 withholding has been entered under this section, the obligee  
6 may modify the withholding based on changed circumstances. The  
7 obligee shall proceed as is provided in this section.

8 (i) Applicability of section. The provisions of this  
9 section apply to IV-D cases only.

10 "§ 110-136.5. Implementation of withholding in non-IV-D  
11 cases.--(a) Motion or complaint or consent order for withhold-  
12 ing. Notwithstanding any other provision of law, any obligee  
13 may apply to the court for an order of income withholding, or  
14 at any time the parties may agree to income withholding by  
15 consent order. The obligee may apply to the court by motion or  
16 in an independent action. The motion or complaint shall be  
17 verified and state, to the extent known:

18 (1) that the obligor is under a court order to  
19 provide child support, and information suffi-  
20 cient to identify the order;

21 (2) that the obligor is delinquent in an amount  
22 equal to the support payable for one month or  
23 that the obligor has requested that income  
24 withholding begin;

25 (3) the amount of overdue support and the total  
26 amount sought to be withheld;

27 (4) the name of each child for whose benefit support  
28 is due;

1           (5) the name, location, and mailing address of the  
2           payor or payors from whom withholding is sought  
3           and the amount of the obligor's monthly dispos-  
4           able earnings from each payor.

5           (b) Notice to obligor. The motion or complaint shall  
6           include or be accompanied by a notice to the obligor, stating:

7           (1) that withholding, if implemented, will apply to  
8           the obligor's current payors and all subsequent  
9           payors;

10          (2) that withholding, if implemented, will be  
11          continued until terminated pursuant to G.S.  
12          110-136.10.

13          (c) Order for withholding. If the child support hearing  
14          officer or district court judge finds after hearing evidence  
15          that the obligor, at the time of the filing of the motion or  
16          complaint was, or at the time of the hearing is, delinquent in  
17          child support payments in an amount equal to the support  
18          payable for one month or that the obligor has requested that  
19          income withholding begin, the court shall enter an order for  
20          income withholding, unless:

21          (1) the obligor proves a mistake of fact; or  
22          (2) the court finds that the child support  
23          obligation can be enforced and the child's right  
24          to receive support can be ensured without entry  
25          of an order for income withholding; or

26          (3) the court finds that the obligor has no dispos-  
27          able income subject to withholding or that

28

1 withholding is not feasible for any other  
2 reason.

3 If the obligor fails to respond or appear, the court shall hear  
4 evidence and enter an order as provided herein.

5 (d) Notice to payor and obligor. If an order for income  
6 withholding is entered, a notice of obligation to withhold  
7 shall be served by certified mail, return receipt requested, on  
8 the payor or payors and the obligor.

9 (e) Modification of withholding. When an order for  
10 withholding has been entered under this section, any party may  
11 file a motion seeking modification of the withholding based on  
12 changed circumstances. The clerk or the court on its own  
13 motion may initiate a hearing for modification when it appears  
14 that modification of the withholding is required or appropri-  
15 ate.

16 "§ 110-136.6. Amount to be withheld.--(a) Computation of  
17 amount. When income withholding is implemented pursuant to  
18 this Article, the amount to be withheld shall include:

- 19 (1) an amount sufficient to pay current child  
20 support; and  
21 (2) an additional amount toward liquidation of  
22 arrearages; and  
23 (3) a processing fee of two dollars (\$2.00) to cover  
24 the cost of withholding, to be retained by the  
25 payor for each withholding unless waived by the  
26 payor.

27 The amount withheld may also include court costs and attorneys  
28 fees as may be awarded by the court in non-IV-D cases only.



1           (b) Limits on amount withheld. Withholding for current  
2 support, arrearages, processing fees, court costs, and attor-  
3 neys fees shall not exceed forty percent (40%) of the obligor's  
4 disposable income for one pay period from the payor for any one  
5 order of withholding. The sum of multiple withholding orders  
6 for current support, arrearages, processing fees, court costs,  
7 and attorneys fees shall not exceed:

8           (1) forty-five percent (45%) of disposable income  
9 for one pay period from the payor in the case of  
10 an obligor who is supporting his spouse or other  
11 dependent children; or

12           (2) fifty percent (50%) of disposable income for one  
13 pay period from the payor in the case of an  
14 obligor who is not supporting a spouse or other  
15 dependent children.

16           (c) Contents of order and notice. An order or advance  
17 notice for withholding and any notice to a payor of his  
18 obligation to withhold shall state a specific money amount to  
19 be withheld. The notice shall clearly indicate that in no  
20 event shall the amount withheld exceed the appropriate percent-  
21 age of disposable income paid by a payor as provided in sub-  
22 section (b).

23           "§ 110-136.7. Multiple withholding.--When an obligor is  
24 subject to more than one withholding for child support, with-  
25 holding for current child support shall have priority over  
26 past-due support. Where two or more orders for current support  
27 exist, each family shall receive a pro rata share of the total

28

1 amount withheld based on the respective child support orders  
2 being enforced.

3 "§ 110-136.8. Notice to payor; payor's responsibil-  
4 ities.--(a) Contents of notice. Notice to a payor of his  
5 obligation to withhold shall include information regarding the  
6 payor's rights and responsibilities, the penalties under this  
7 section, and the maximum percentages of disposable income that  
8 may be withheld as provided in G.S. 110-136.6.

9 (b) Payor's responsibilities. A payor who has been  
10 properly served with a notice to withhold is required to:

11 (1) withhold from the obligor's disposable income  
12 and, within 10 days of the date the obligor is  
13 paid, send to the clerk of superior court spec-  
14 ified in the notice, the amount specified in the  
15 notice, but in no event more than the amount  
16 allowed by G.S. 110-136.6; however, if a lesser  
17 amount of disposable income is available for any  
18 pay period, the payor shall, using the percent-  
19 ages as provided in G.S. 110-136.6, compute and  
20 send the appropriate amount to the clerk of  
21 court;

22 (2) continue withholding until further notice from  
23 the IV-D obligee or the clerk of superior court;

24 (3) withhold for child support before withholding  
25 pursuant to any other legal process under state  
26 law against the same disposable income;

27 (4) begin withholding from the first payment due the  
28 obligor in the first pay period that occurs 14

1 days following the date the notice of the  
2 obligation to withhold was served on the payor;  
3 (5) promptly notify the obligee in a IV-D case, or  
4 the clerk of superior court in a non-IV-D case,  
5 in writing:

6 a. if there is more than one child support  
7 withholding for the obligor;

8 b. when the obligor terminates employment or  
9 otherwise ceases to be entitled to dispo-  
10 sable income from the payor, and provide the  
11 obligor's last known address, and the name  
12 and address of his new employer, if known;

13 c. of the payor's inability to comply with the  
14 withholding for any reason.

15 (c) Change in obligor's employment. If the obligor  
16 changes employment within the State when withholding is in  
17 effect, the requirement for withholding shall continue, and

18 (1) in a IV-D case, the IV-D obligee shall make any  
19 necessary adjustments to the withholding, notify  
20 the obligor and his new employer in accordance  
21 with this section, and file a copy of the  
22 adjusted withholding with the clerk of superior  
23 court;

24 (2) in a non-IV-D case, the clerk shall serve a  
25 notice of obligation to withhold according to  
26 the terms of the withholding order on the new  
27 employer and on the obligor; if the obligor or  
28 payor gives notice that an adjustment to the

1                   withholding order, other than the change in  
2                   payor, is needed, the matter shall be scheduled  
3                   for hearing before a child support hearing  
4                   officer or district court judge who shall make  
5                   any necessary adjustments to the withholding.

6                   (d) The payor may combine amounts withheld from obligors'  
7                   disposable incomes in a single payment to each clerk of superi-  
8                   or court if the payor separately identifies by name and case  
9                   number the portion of the single payment attributable to each  
10                  individual obligor.

11                  (e) Prohibited conduct by payor; civil penalty. Notwith-  
12                  standing any other provision of law, when a court finds,  
13                  pursuant to a motion in the cause filed by the initiating party  
14                  joining the payor as a third party defendant, with 30 days  
15                  notice to answer the motion, that a payor has willfully refused  
16                  to comply with the provisions of this section, such payor shall  
17                  be ordered to commence withholding and shall be held liable to  
18                  the initiating party for any amount which such payor should  
19                  have withheld, except that such payor shall not be required to  
20                  vary the normal pay or disbursement cycles in order to comply  
21                  with these provisions.

22                  A payor shall not discharge from employment, refuse to  
23                  employ, or otherwise take disciplinary action against any  
24                  responsible parent solely because of the withholding. When a  
25                  court finds, pursuant to a motion filed by the initiating  
26                  party, that a payor has taken any of these actions, the employ-  
27                  er shall be liable for a civil penalty to be paid to the  
28                  initiating party for the benefit of the children covered by the

1 support order. For a first offense, the civil penalty shall be  
2 one hundred dollars (\$100.00). For second and third offenses,  
3 the civil penalty shall be five hundred dollars (\$500.00) and  
4 one thousand dollars (\$1,000), respectively. Any payor who  
5 violates any provision of this paragraph shall be liable in a  
6 civil action for reasonable damages suffered by an obligor as a  
7 result of the violation, and an obligor discharged or demoted  
8 in violation of this paragraph shall be entitled to be rein-  
9 stated to his former position.

10 "§ 110-136.9. Payment of withheld funds.--In IV-D cases,  
11 when required by federal or state law or regulations or by  
12 court order, the clerk of superior court shall transmit pay-  
13 ments received from payors to the Department of Human Resources  
14 for appropriate distribution. In all other cases, unless a  
15 court order requires otherwise, the clerk of superior court  
16 shall transmit the payments to the custodial parent.

17 "§ 110-136.10. Termination of withholding.--A requirement  
18 that income be withheld for child support shall promptly  
19 terminate as to prospective payments when:

- 20 (1) the child support order has expired or become  
21 invalid; or  
22 (2) the initiating party, the obligor, and the child  
23 support hearing officer or district court judge  
24 agree to termination because there is another  
25 adequate means to collect child support or  
26 arrearages; or  
27  
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1                   (3) the whereabouts of the child are unknown, except  
2                   that withholding shall not be terminated until  
3                   all valid arrearages are paid in full."

4                   Sec. 4. G.S. 50-13.9(b) is amended by adding at the  
5                   end the following to read:

6                   "In IV-D cases, when required by federal or state law or  
7                   regulations or by court order, the clerk of superior court  
8                   shall transmit child support payments that are made to the  
9                   clerk to the Department of Human Resources for appropriate  
10                  distribution. In all other cases, whether IV-D or non-IV-D,  
11                  the clerk shall transmit the payments to the custodial parent  
12                  or other party entitled to receive them, unless a court order  
13                  requires otherwise."

14                  Sec. 5. G.S. 50-13.9(d) is rewritten to read:

15                  "(d) In a non-IV-D case, when an obligor fails to make a  
16                  required payment of child support and is in arrears, the clerk  
17                  of superior court shall mail by regular mail to the last known  
18                  address of the obligor a notice of delinquency. The notice  
19                  shall set out the amount of child support currently due and  
20                  shall demand immediate payment of said amount. The notice  
21                  shall also state that failure to make immediate payment will  
22                  result in the issuance by the court of an enforcement order  
23                  requiring the obligor to appear before a child support hearing  
24                  officer or district court judge and show cause why the support  
25                  obligation should not be enforced by income withholding,  
26                  contempt of court, or other appropriate means. Failure to  
27                  receive the delinquency notice shall not be a defense in any  
28                  subsequent proceeding. If income withholding has been

1 implemented against the obligor or the obligor has been previ-  
2 ously found in contempt for nonpayment under the same child  
3 support order, sending the notice of delinquency shall be in  
4 the discretion of the clerk.

5 If the arrearage is not paid in full within 21 days after  
6 the mailing of the delinquency notice, or is not paid within 30  
7 days after the obligor becomes delinquent if the clerk has  
8 elected not to send a delinquency notice, the clerk shall cause  
9 an enforcement order to be issued and shall issue a notice of  
10 hearing before a child support hearing officer or district  
11 court judge. The enforcement order shall order the obligor to  
12 appear and show cause why he should not be subjected to income  
13 withholding or adjudged in contempt of court, or both, and  
14 shall order the obligor to bring to the hearing records and  
15 information relating to his employment and the amount and  
16 sources of his disposable income. The enforcement order shall  
17 state:

- 18 (1) that the obligor is under a court order to  
19 provide child support, the name of each child  
20 for whose benefit support is due, and informa-  
21 tion sufficient to identify the order;
- 22 (2) that the obligor is delinquent and the amount of  
23 overdue support;
- 24 (3) that the court may order income withholding if  
25 the obligor is delinquent in an amount equal to  
26 the support due for one month;
- 27 (4) that income withholding, if implemented, will  
28 apply to the obligor's current payors and all

1 subsequent payors and will be continued until  
2 terminated pursuant to G.S. 110-136.10;

3 (5) that failure to bring to the hearing records and  
4 information relating to his employment and the  
5 amount and sources of his disposable income will  
6 be grounds for contempt;

7 (6) that if income withholding is not an available  
8 or appropriate remedy, the court may determine  
9 whether the obligor is in contempt or whether  
10 any other enforcement remedy is appropriate.

11 The enforcement order may be signed by the clerk or a child  
12 support hearing officer or district court judge, and shall be  
13 served on the obligor pursuant to G.S. 1A-1, Rules of Civil  
14 Procedure. The clerk shall also notify the party to whom  
15 support is owed of the pending hearing. The clerk may withdraw  
16 the order to the supporting party upon receipt of the delin-  
17 quent payment. On motion of the person to whom support is  
18 owed, with the approval of the child support hearing officer or  
19 district court judge, if he finds it is in the best interest of  
20 the child, no enforcement order shall be issued.

21 When the matter comes before the court, the court shall  
22 proceed as in the case of a motion for income withholding under  
23 G.S. 110-136.5. If income withholding is not an available or  
24 adequate remedy, the court may proceed with contempt, imposi-  
25 tion of a lien, or other available, appropriate enforcement  
26 remedies.

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1           This subsection shall apply only to non-IV-D cases, except  
2           that the clerk shall issue an enforcement order in a IV-D case  
3           when requested to do so by an IV-D obligee."

4           Sec. 7. G.S. 50-13.9(f) is amended by rewriting the  
5           first seven lines to read:

6           "(f) At least seven days prior to an enforcement hearing  
7           as set forth in subsection (d), the clerk must notify the child  
8           support hearing officer or district court judge of all cases to  
9           be heard for enforcement at the next term, and the hearing  
10          officer or judge shall appoint an attorney from the list  
11          described in subsection (e) to represent each party to whom  
12          support payments are owed if the hearing officer or judge deems  
13          it to be in the best interest of the child for whom support is  
14          being paid, unless:"

15          G.S. 50-13.9(f) is further amended by rewriting the last  
16          sentence to read:

17          "The hearing officer or judge may order payment of reason-  
18          able attorney's fees as provided in G.S. 50-13.6."

19          Sec. 8. G.S. 50-13.9(g) is rewritten to read:

20          "(g) Nothing in this section shall preclude the indepen-  
21          dent initiation by a party of proceedings for civil contempt or  
22          for income withholding."

23          Sec. 9. G.S. 15A-1344.1(d) is rewritten to read:

24          "(d) When a defendant in a non-IV-D case, as defined in  
25          G.S. 110-129, fails to make required payments of child support  
26          and is in arrears, the clerk of superior court may mail by  
27          regular mail to the last known address of the defendant a  
28          notice of delinquency which shall set out the amount of child

1 support currently due and which shall demand immediate payment  
2 of said amount. Failure to receive the delinquency notice  
3 shall not be a defense in any probation violation hearing or  
4 other proceeding thereafter. If the arrearage is not paid in  
5 full within 21 days after the mailing of the delinquency  
6 notice, or is not paid within 30 days after the defendant  
7 becomes delinquent if the clerk has elected not to send a  
8 delinquency notice, the clerk shall certify the amount due to  
9 the district attorney and probation officer, who shall initiate  
10 proceedings for revocation of probation pursuant to Article 82  
11 of Chapter 15A or make a motion in the criminal case for income  
12 withholding pursuant to G.S. 110-136.5 or both.

13 When a defendant in an IV-D case, as defined in G.S.  
14 110-129, fails to make required payments of child support and  
15 is in arrears, at the request of the IV-D obligee the clerk  
16 shall certify the amount due to the district attorney and  
17 probation officer, who shall initiate proceedings for revoca-  
18 tion of probation pursuant to Article 82 of Chapter 15A or make  
19 a motion in the criminal case for income withholding pursuant  
20 to G.S. 110-136.5 or both."

21 Sec. 10. Nothing in this act shall be construed as  
22 invalidating any garnishment instituted or effective prior to  
23 October 1, 1986.

24 Sec. 11. This act shall become effective October 1,  
25 1986.

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INTRODUCED BY:

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Referred to:

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1

A BILL TO BE ENTITLED

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AN ACT TO PROVIDE FOR EXPEDITING CHILD SUPPORT CASES AS

3

REQUIRED BY FEDERAL LAW.

4

The General Assembly of North Carolina enacts:

5

Section 1. All existing provisions in Chapter 50 of the General Statutes are designated as Article 1. Sections 50-22 through 50-29 of Chapter 50 are reserved for future codification. A new Article 2 is added to Chapter 50 to read:

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"Article 2.

10

"Expedited Process for Child Support Cases.

11

"§ 50-30. Findings; policy; and purpose.--(a) Findings.

12

The General Assembly makes the following findings:

13

(1) There is a strong public interest in providing fair, efficient, and swift judicial processes for establishing and enforcing child support obligations. Children are entitled to support from their parents, and court assistance is often required for the establishment and enforcement of parental support obligations. Children who do not receive support from their parents often become financially dependent on the State.

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(2) For purposes of federal reimbursement under Title

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1 IV-D of the Social Security Act, 42 U.S.C. §  
2 666(a)(2), requires that the State have laws that  
3 require the use of federally defined expedited  
4 processes for obtaining and enforcing child support  
5 orders. The Secretary of the Department of Health  
6 and Human Services may waive the expedited process  
7 requirement with respect to one or more judicial  
8 districts on the basis of the effectiveness and  
9 timeliness of support order issuance and enforcement  
10 within the district.

11 (3) The State has a strong financial interest in  
12 complying with the expedited process requirement, and  
13 other requirements, of Title IV-D of the Social  
14 Security Act, but the State would incur substantial  
15 expense in creating statewide an expedited child  
16 support process as defined by federal law.

17 (4) The State's judicial system is largely capable of  
18 processing child support cases in a timely and  
19 efficient manner and has a strong commitment to doing  
20 so.

21 (5) The substantial expense the State would incur in  
22 creating a new system for obtaining and enforcing  
23 child support orders would be reduced and better  
24 spent by improving the present system.

25 (b) Purpose and policy. It is the policy of this State  
26 to ensure, to the maximum extent possible, that child support  
27 obligations are established and enforced fairly, efficiently,  
28 and swiftly through the judicial system by means that make the

1 best use of the State's resources. It is the purpose of this  
2 Article to facilitate this policy. The Administrative Office  
3 of the Courts and judicial officials in each judicial district  
4 shall make a diligent effort to ensure that child support  
5 cases, from the time of filing to the time of disposition, are  
6 handled fairly, efficiently, and swiftly. The Administrative  
7 Office of the Courts and the Department of Human Resources  
8 shall work together to improve procedures for the handling of  
9 child support cases in which the State or county has an inter-  
10 est, including all cases that qualify in any respect for  
11 federal reimbursement under Title IV-D of the Social Security  
12 Act.

13 "§ 50-31. Definitions.--As used in this Article, unless the  
14 context clearly requires otherwise:

15 (1) 'Child support case' means the part of any civil  
16 action or proceeding, whether intrastate or inter-  
17 state, that involves a claim for the establishment or  
18 enforcement of a child support obligation.

19 (2) 'Disposition of a child support case' means the entry  
20 of an order in a child support case that:

21 a. dismisses the claim for establishment or en-  
22 forcement of the child support obligation; or

23 b. establishes a child support obligation and  
24 directs how that obligation is to be satisfied;  
25 or

26 c. orders a particular child support enforcement  
27 remedy; or

28

1 d. terminates the court's authority to act in the  
2 case until some other pleading is filed or some  
3 other action occurs.

4 (3) 'Expedited process' means a procedure for having  
5 child support orders established and enforced by a  
6 magistrate or clerk who has been designated as a  
7 child support hearing officer pursuant to this  
8 Article.

9 (4) 'Federal expedited process requirement' means the  
10 provision in Title IV, Part D of the Social Security  
11 Act, at 42 U.S.C. § 666(a)(2), that requires as a  
12 condition of the receipt of federal funds that a  
13 State have laws that require the use of federally  
14 defined expedited processes for obtaining and enforc-  
15 ing child support orders.

16 (5) 'Filing of a child support case' means the filing in  
17 the office of the clerk of superior court of a  
18 pleading that seeks establishment or enforcement of a  
19 child support obligation, or the sending of written  
20 notice to a party who has been ordered to pay child  
21 support that an enforcement remedy is being sought or  
22 implemented.

23 (6) 'Hearing officer or child support hearing officer'  
24 means a clerk or deputy or assistant clerk of superi-  
25 or court or a magistrate who has been designated  
26 pursuant to this Article to hear and enter orders in  
27 child support cases.

28 (7) 'Initiating party' means the party, the attorney for

1 a party, a child support enforcement agency estab-  
2 lished pursuant to Title IV, Part D of the Social  
3 Security Act, or the clerk of superior court who  
4 initiates an action, proceeding, or procedure as  
5 allowed or required by law for the establishment or  
6 enforcement of a child support obligation.

7 "§ 50-32. Waiver of expedited process requirement.--(a)  
8 DHR to seek waiver. The Department of Human Resources, with  
9 the assistance of the Administrative Office of the Courts,  
10 shall vigorously pursue application to the Secretary of the  
11 Department of Health and Human Services for waivers of he  
12 federal expedited process requirement.

13 (b) Districts that do not qualify. In any judicial  
14 district that does not qualify for a waiver of the federal  
15 expedited process requirement, an expedited process shall be  
16 established as provided in G.S. 50-33.

17 "§ 50-33. Establishment of an expedited process.--(a)  
18 Districts required to have expedited process. In any judicial  
19 district that is required by G.S. 50-32(b) to establish an  
20 expedited child support process, the Director of the Adminis-  
21 trative Office of the Courts shall notify the chief district  
22 court judge and the clerk or clerks of superior court in the  
23 district in writing of the requirement. The Director of the  
24 Administrative Office of the Courts, the chief district court  
25 judge, and the clerk or clerks of superior court in the dis-  
26 trict shall implement an expedited child support process as  
27 provided in this section.

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1 (b) District or county may elect to have expedited  
2 process. In any judicial district, or any county within a  
3 judicial district, that is not required by G.S. 50-32(b) to  
4 establish an expedited child support process, an expedited  
5 process may be established when the Director of the Administra-  
6 tive Office of the Courts, the chief district court judge, and  
7 the clerk or clerks of superior court in the affected county or  
8 counties in the district find and agree that:

9 (1) The judicial district cannot satisfy the  
10 requirements for a waiver of the federal ex-  
11 pedited process requirement without unduly  
12 impairing the district's ability to dispose of  
13 other cases expeditiously; or

14 (2) It would be more efficient and cost effective to  
15 implement an expedited process than to satisfy  
16 the waiver requirements; or

17 (3) It would be in the best interest of the citizens  
18 of the county or district and the State to  
19 implement an expedited process.

20 The findings and agreement required by this subsection must be  
21 in writing and signed by the chief district judge, the clerk or  
22 clerks of superior court in the affected county or counties,  
23 and the Director of the Administrative Office of the Courts,  
24 and must be filed with the clerk in each affected county of the  
25 district and with the Administrative Office of the Courts.

26 (c) Procedure for establishing expedited process. When a  
27 judicial district is required to implement an expedited pro-  
28 cess, or when a judicial district or a county is authorized and



1 elects to do so, the Director of the Administrative Office of  
2 the Courts, the chief district judge, and the clerk of superior  
3 court in an affected county shall determine by agreement  
4 whether the child support hearing officer or officers for that  
5 county shall be one or more clerks or one or more magistrates.  
6 If such agreement has not been reached within 15 days after the  
7 notice required by subsection (a) when implementation is  
8 required, or within 15 days after an agreement under subsection  
9 (b) that implementation should occur, the Director of the  
10 Administrative Office of the Courts shall make the decision.  
11 If it is decided that the hearing officer or officers for a  
12 county shall be magistrates, the chief district judge, the  
13 clerk of superior court, and the Director of the Administrative  
14 Office of the Courts shall ensure his or their qualification  
15 for the position. If it is decided that the hearing officer or  
16 officers for a county shall be the clerk or deputy or assistant  
17 clerks, the clerk of superior court in the county shall desig-  
18 nate the person or persons to serve as hearing officer, and the  
19 chief district judge, the clerk of superior court, and the  
20 Director of the Administrative Office of the Courts shall  
21 ensure his or their qualification for the position.

22 (d) Public to be informed. When an expedited process is  
23 to be implemented in a county or judicial district, the chief  
24 district court judge, the clerk or clerks of superior court in  
25 affected counties in the district, and the Administrative  
26 Office of the Courts shall take steps to ensure that attorneys,  
27 the general public, and parties to pending child support cases  
28 in the county or district are informed of the change in

1 procedures and helped to understand and use the new system  
2 effectively.

3 "§ 50-34. Authority and duties of a child support hearing  
4 officer.--A child support hearing officer who is properly  
5 qualified and designated under this Article has the following  
6 authority and responsibilities in all child support cases:

- 7 (1) To conduct hearings and to ensure that the parties'  
8 due process rights are protected;
- 9 (2) To take testimony and establish a record;
- 10 (3) To evaluate evidence and make decisions regarding the  
11 establishment or enforcement of child support orders;
- 12 (4) To accept and approve voluntary acknowledgements of  
13 support liability and stipulated agreements setting  
14 the amount of support obligations;
- 15 (5) To accept and approve voluntary acknowledgements and  
16 affirmations of paternity;
- 17 (6) Except as otherwise provided in this Article, to  
18 enter child support orders that have the same force  
19 and effect as orders entered by a district court  
20 judge;
- 21 (7) To enter temporary child support orders pending the  
22 resolution of unusual or complicated issues by a  
23 district court judge;
- 24 (8) To enter default orders; and
- 25 (9) To subpoena witnesses and documents.

26 "§ 50-35. Child support procedures in districts with  
27 expedited process.--(a) Scheduling of cases. The procedures  
28 of this section shall apply to all child support cases in any

1 judicial district or county in which an expedited process has  
2 been established. All claims for the establishment or enforce-  
3 ment of a child support obligation, whether the claim is made  
4 in a separate action or as part of a divorce or any other  
5 action, shall be scheduled for hearing before the child support  
6 hearing officer. The initiating party shall send a notice of  
7 the date, time, and place of the hearing to all other parties.  
8 Service of process shall be made and notices given as provided  
9 by G.S. 1A-1, Rules of Civil Procedure.

10 (b) Place of hearing. The hearing before the child  
11 support hearing officer need not take place in a courtroom, but  
12 shall be conducted in an appropriate judicial setting.

13 (c) Hearing procedures. The hearing of a case before a  
14 child support hearing officer is without a jury. The rules of  
15 evidence applicable in the trial of civil actions generally are  
16 observed; however, the hearing officer may require the parties  
17 to produce and may consider financial affidavits, state and  
18 federal tax returns, and other financial or employment records.  
19 Except as otherwise provided in this Article, the hearing  
20 officer shall determine the parties' child support rights and  
21 obligations and enter an appropriate order based on the evi-  
22 dence and the child support laws of the State. All parties  
23 shall be provided with a copy of the order.

24 (d) Record of proceeding. The record of a proceeding  
25 before a child support hearing officer shall consist of the  
26 pleadings filed in the child support case, documentation of  
27 proper service or notice or waiver, and a copy of the hearing

28

1 officer's order. No verbatim recording or transcript shall be  
2 required or provided at State expense.

3 (e) Transfer to district court judge. When a case before  
4 the hearing officer involves a contested paternity action,  
5 custody dispute, visitation rights, the ownership, possession,  
6 or transfer of an interest in property to satisfy a child  
7 support obligation, or other complex issues, the hearing  
8 officer shall transfer the case for hearing before a district  
9 court judge. Upon ordering such a transfer except in cases of  
10 contested paternity, the hearing officer shall also enter a  
11 temporary order that provides for the payment of a money amount  
12 or otherwise addresses the child's need for support pending the  
13 resolution of the case by the district court judge. The chief  
14 district court judge shall establish a procedure for such  
15 transferred cases to be given priority for hearing before a  
16 district court judge.

17 "§ 50-36. Enforcement authority of child support hearing  
18 officer; contempt.--When a child support case is before a child  
19 support hearing officer for enforcement of a child support  
20 order, the hearing officer has the same authority that a  
21 district court judge would have, except in cases of contempt.  
22 Orders that commit a party to jail for civil or criminal  
23 contempt for the nonpayment of child support, or for otherwise  
24 failing to comply with a child support order, may be entered  
25 only by a district court judge. When it appears to a hearing  
26 officer that there is probable cause for finding such contempt  
27 in a case before the child support hearing officer and that no  
28 other enforcement remedy would be effective or sufficient, the

1 hearing officer shall enter an order finding probable cause and  
2 referring the case for hearing before a district court judge.  
3 The order may indicate the amount of payment the responsible  
4 parent may make, or other action he may take, or both, to  
5 comply with the child support order. If proof of compliance is  
6 made to the hearing officer within a time specified in the  
7 order, the hearing officer may cancel the referral of the  
8 contempt case to district court. Except as specifically  
9 limited by this section, a clerk or magistrate acting as a  
10 child support hearing officer retains all of the contempt  
11 powers he or she otherwise has by virtue of being a clerk or  
12 magistrate.

13 "§ 50-37. Appeal from orders of the child support hearing  
14 officer.--(a) Appeal; hearing de novo. Any party may appeal  
15 an order of a child support hearing officer for a hearing de  
16 novo before a district court judge by giving notice of appeal  
17 at the hearing or in writing within 10 days after entry of  
18 judgment. Upon appeal noted, the clerk of superior court shall  
19 place the case on the civil issue docket of the district court.  
20 The chief district court judge shall establish a procedure for  
21 such transferred cases to be given priority for hearing before  
22 a district court judge. Unless appealed from, the order of the  
23 hearing officer is final.

24 (b) Order not stayed pending appeal. Appeal from an  
25 order of a child support hearing officer does not stay the  
26 execution or enforcement of the order unless, on application of  
27 the appellant, a district court judge orders such a stay.

28

1       "§ 50-38. Qualifications of child support hearing offi-  
2 cer.--(a) Qualifications. A clerk or deputy or assistant  
3 clerk of superior court or a magistrate, to be designated and  
4 serve as a child support hearing officer, shall satisfy each of  
5 the following qualifications:

6           (1) Be at least 21 years of age and not older than  
7               70 years of age, and have a high school degree  
8               or the equivalent thereof.

9           (2) Be qualified by training and temperament to be  
10               effective in relating to parties in child  
11               support cases and in conducting hearings fairly  
12               and efficiently.

13           (3) Be certified by the Administrative Office of  
14               Courts as having completed the training required  
15               by subsection (b).

16           (b) Training required. Before a clerk or deputy or  
17               assistant clerk or a magistrate may conduct hearings as a child  
18               support hearing officer he or she must satisfactorily complete  
19               a course of instruction in the conduct of such hearings estab-  
20               lished by the Administrative Office of the Courts. The Admin-  
21               istrative Office of the Courts shall establish a course in the  
22               conduct of such hearings. The Administrative Office of the  
23               Courts may contract with qualified educational organizations to  
24               conduct the course of instruction and must reimburse the clerks  
25               or magistrates attending for travel and subsistence incurred in  
26               taking such training."

27           Sec. 2. Chapter 7A of the General Statutes is  
28               amended by adding a new section to read:

1           "§ 7A-178. Magistrate as child support hearing officer.--A  
2 magistrate who meets the qualifications of G.S. 50-38 and is  
3 properly designated pursuant to G.S. Chapter 50, Article 2, to  
4 serve as a child support hearing officer, may serve in that  
5 capacity and has the authority and responsibility assigned to  
6 child support hearing officers by Chapter 50."

7           Sec. 3. Chapter 7A of the General Statutes is  
8 amended by adding a new section to read as follows:

9           "§ 7A-183. Clerk or assistant or deputy clerk as child  
10 support hearing officer.--A clerk or assistant or deputy clerk  
11 of superior court who meets the qualifications of G.S. 50-38  
12 and is properly designated pursuant to G.S. Chapter 50, Article  
13 2, to serve as a child support hearing officer, may serve in  
14 that capacity and has the authority and responsibility assigned  
15 to child support hearing officers by Chapter 50."

16           Sec. 4. This act shall become effective October 1,  
17 1986.

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