

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 255
Second Edition Engrossed 3/23/89

Short Title: Certain Uresa Law Changes/Funds.

(Public)

Sponsors: Senator Marvin.

Referred to: Children and Youth.

February 23, 1989

A BILL TO BE ENTITLED

1 AN ACT TO ASSURE THAT THE DESIGNATED REPRESENTATIVE OF A
2 CHILD SUPPORT ENFORCEMENT PROGRAM IS AUTHORIZED TO PURSUE
3 ESTABLISHMENT OF PATERNITY AND COLLECTION OF CHILD SUPPORT
4 IN INTERSTATE IV-D CASES AND TO APPROPRIATE FUNDS FOR THE
5 STATE COST TO IMPLEMENT THIS CHANGE.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 52A-3 is amended by adding the following new subdivisions
9 to read:

10 "(15) 'Designated representative' means any person or agency designated by
11 a board of county commissioners or the Department of Human
12 Resources to administer a program of child support enforcement for a
13 county or region of the State.

14 (16) 'IV-D case' means a case in which services have been applied for or
15 are being provided by a child support enforcement agency established
16 pursuant to Title IV-D of the Social Securities Act, as amended, and
17 by Article 9 of Chapter 110 of the General Statutes.

18 (17) 'Non-IV-D case' means any case, other than a IV-D case, in which
19 support is legally obligated to be paid or in which a determination
20 needs to be made as to whether support is legally obligated to be paid."

21 Sec. 2. G.S.52A-10.1 reads as rewritten:

22 "§ 52A-10.1. **Official to represent obligee; responding.**

1 (a) It shall be the duty of the official who prosecutes criminal actions for the
2 State in the court acquiring jurisdiction to appear on behalf of the obligee in non-IV-D
3 cases in proceedings under this Chapter. In the event of an appeal from a support order
4 entered under this Chapter, the Attorney General shall represent the obligee.

5 (b) It shall be the duty of the designated representative of a child support
6 enforcement program to take up and pursue any paternity or child support action in a
7 IV-D case under this Chapter.

8 (c) In the event of an appeal under this Chapter, the Attorney General shall
9 represent the obligee."

10 Sec. 3. G.S.52A-12 reads as rewritten:

11 "**§ 52A-12. Duty of the court of this State as responding state.**

12 When the court of this State, acting as a responding state, receives from the court of
13 an initiating state the aforesaid copies, it shall

14 (1) Docket the cause,

15 (2) ~~Notify the prosecuting attorney~~ In non-IV-D cases, notify the
16 prosecuting attorney as described in G.S. 52A-10.1, G.S. 52A-10.1(a),

17 (3) In IV-D cases, notify the designated representative as described in G.S.
18 52A-10.1(b),

19 (34) Set a time and a place for a hearing, and

20 (45) Take such action as is necessary in accordance with the laws of this
21 State to obtain jurisdiction.

22 The procedure for serving notice and summons on the defendant under this Chapter
23 shall be the same as in actions for alimony as provided by G.S. 50-16.8."

24 Sec. 4. G.S.52A-12.1 is amended by adding a new subsection to read:

25 "(d) In IV-D cases, the designated representative of a child support enforcement
26 program has the same additional duties as prescribed by subsections (a), (b), and (c) of
27 this section for the prosecuting attorney in non-IV-D cases."

28 Sec. 5. G.S.52A-29 reads as rewritten:

29 "**§ 52A-29. Registration procedure; notice.**

30 An obligee seeking to register a foreign support order in a court of this State shall
31 transmit to the clerk of the court (i) three certified copies of the order with all
32 modifications thereof, (ii) one copy of the reciprocal enforcement of support act of the
33 state in which the order was made, and (iii) a statement verified and signed by the
34 obligee, showing the post-office address of the obligee, the last known place of
35 residence and post-office address of the obligor, the amount of support remaining
36 unpaid, a description and the location of any property of the obligor available upon
37 execution, and a list of the states in which the order is registered. Upon receipt of these
38 documents, the clerk of the court, without payment of a filing fee or other cost to the
39 obligee, shall file them in the Registry of Foreign Support Orders. The filing constitutes
40 registration under this Chapter.

41 Promptly upon registration, the clerk of the court shall send by certified or registered
42 mail to the obligor at the address given a notice of the registration with a copy of the
43 registered support order, and the post-office address of the obligee. He shall also docket

1 the case and notify the prosecuting attorney in a non-IV-D case or the designated
2 representative of a child support enforcement program in a IV-D case of his action."

3 Sec. 6. There is appropriated from the General Fund to the Division of Social
4 Services, Department of Human Resources, the sum of five hundred thirty-eight
5 thousand three hundred twenty-two dollars (\$538,322) for the 1989-90 fiscal year, to
6 fund the non-federal share of the cost required to implement this act.

7 Sec. 7. This act shall become effective July 1, 1989.