

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1092
Committee Substitute Favorable 6/4/14

Short Title: Enforce Payment of Criminal Mediation Fee.

(Public)

Sponsors:

Referred to:

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A MECHANISM FOR ENFORCING PAYMENT OF THE
CRIMINAL MEDIATION FEE, AS RECOMMENDED BY THE LEGISLATIVE
RESEARCH COMMISSION'S COMMITTEE ON JUDICIAL EFFICIENCY AND
EFFECTIVE ADMINISTRATION OF JUSTICE AND TO ALLOW THE CONFERENCE
OF CHIEF DISTRICT JUDGES TO PRESCRIBE UNIFORM STATEWIDE
PRESUMPTIVE GUIDELINES FOR THE COMPUTATION OF RETROACTIVE
CHILD SUPPORT OBLIGATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-38.7 reads as rewritten:

"§ 7A-38.7. Dispute resolution fee for cases resolved in mediation.

(a) In each criminal case filed in the General Court of Justice that is resolved through referral to a community mediation center, a dispute resolution fee shall be assessed in the sum of sixty dollars (\$60.00) per mediation to support the services provided by the community mediation centers and the Mediation Network of North Carolina. Prior to mediation, the parties shall be notified of the fee and the fee shall be paid as part of any mediation that results in dismissal. Fees assessed under this section shall be paid to the clerk of superior court in the county where the case was filed and remitted by the clerk to the Mediation Network of North Carolina. The Mediation Network may retain up to three dollars (\$3.00) of this amount as an allowance for its administrative expenses. The Mediation Network must remit the remainder of this amount to the community mediation center that mediated the case. The court may waive or reduce a fee assessed under this section only upon entry of a written order, supported by findings of fact and conclusions of law, determining there is just cause to grant the waiver or reduction.

(b) No criminal case shall be dismissed through referral to mediation unless the full amount of the dispute resolution fee as required by subsection (a) of this section is paid within 45 days of the completion of the mediation. If payment has not been made within that time, the case shall be remanded back to the court for disposition. Before providing the district attorney with a dismissal form, the community mediation center shall require proof that the defendant has paid the dispute resolution fee as required by subsection (a) of this section and shall attach the receipt to the dismissal form."

SECTION 2. G.S. 50-13.4(c1) reads as rewritten:

"(c1) Effective July 1, 1990, the Conference of Chief District Judges shall prescribe uniform statewide presumptive guidelines for the computation of child support ~~obligations~~ obligations, including retroactive support obligations, of each parent as provided in Chapter 50 or elsewhere in the General Statutes and shall develop criteria for determining when, in a



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1 particular case, application of the guidelines would be unjust or inappropriate. Prior to May 1,
2 1990 these guidelines and criteria shall be reported to the General Assembly by the
3 Administrative Office of the Courts by delivering copies to the President Pro Tempore of the
4 Senate and the Speaker of the House of Representatives. The purpose of the guidelines and
5 criteria shall be to ensure that payments ordered for the support of a minor child are in such
6 amount as to meet the reasonable needs of the child for health, education, and maintenance,
7 having due regard to the estates, earnings, conditions, accustomed standard of living of the
8 child and the parties, the child care and homemaker contributions of each party, and other facts
9 of the particular case. The guidelines shall include a procedure for setting child support, if any,
10 in a joint or shared custody arrangement which shall reflect the other statutory requirements
11 herein.

12 Periodically, but at least once every four years, the Conference of Chief District Judges
13 shall review the guidelines to determine whether their application results in appropriate child
14 support award amounts. The Conference may modify the guidelines accordingly. The
15 Conference shall give the Department of Health and Human Services, the Administrative
16 Office of the Courts, and the general public an opportunity to provide the Conference with
17 information relevant to the development and review of the guidelines. Any modifications of the
18 guidelines or criteria shall be reported to the General Assembly by the Administrative Office of
19 the Courts before they become effective by delivering copies to the President Pro Tempore of
20 the Senate and the Speaker of the House of Representatives. The guidelines, when adopted or
21 modified, shall be provided to the Department of Health and Human Services and the
22 Administrative Office of the Courts, which shall disseminate them to the public through local
23 IV-D offices, clerks of court, and the media.

24 Until July 1, 1990, the advisory guidelines adopted by the Conference of Chief District
25 Judges pursuant to this subsection as formerly written shall operate as presumptive guidelines
26 and the factors adopted by the Conference of Chief District Judges pursuant to this subsection
27 as formerly written shall constitute criteria for varying from the amount of support determined
28 by the guidelines."

29 **SECTION 3.** Section 1 of this act becomes effective October 1, 2014, and applies
30 to criminal cases referred to mediation on or after that date. The remainder of this act is
31 effective when it becomes law.