

March 4, 1999

H 302. ENHANCE CHILD SUPPORT ENFORCE. TO AMEND THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT ENFORCEMENT. (1) Amends GS 110-132(a) to provide that a voluntary acknowledgment of paternity executed by the parents of an illegitimate child will have the same legal effect as a judgment of paternity for the purpose of establishing a child support obligation (under current law, constitutes an admission of paternity only). (2) Amends GS 110-142.2(b) (suspension or revocation of licensing privileges for failure to comply with subpoena in child support case or failure to pay court-ordered child support) to require (current law, allow) judge to impose one or more sanctions specified in section, and to require that court-ordered payment plan require obligor to extinguish delinquency within period not to exceed 10 years and to make an immediate initial payment of at least \$500 or 5% of delinquency (whichever is greater) in order to stay license revocation or suspension. (3) Amends GS 50-13.4(c) to provide that court-ordered child support payments be made on a monthly basis, due and payable on the first day of each month (but requirement does not affect availability of income withholding from obligor's wages based on obligor's pay period). (4) Amends GS 52C-5-501(a) (Uniform Interstate Family Support Act) to allow "direct income withholding" of child support from an obligor's unemployment compensation benefits pursuant to an income withholding order issued by a court or tribunal in another state (amount withheld may not exceed 25% of benefits). (5) Adds new GS 110-139.3 to require Dep't of Health and Human Services to establish high-volume, automated administrative enforcement procedures in interstate child support cases. (6) Amends GS 108A-69 (regarding obligation of employers to enroll child in health insurance plan pursuant to court order for medical support) to include the Teachers and State Employees Comprehensive Major Medical Plan within the definitions of health benefit plan and health insurer, and to make provisions of section applicable to parents eligible for family health benefit plan coverage through any employer (current law, an employer doing business in NC). Makes similar change to GS 58-51-115(a). (7) Amends GS 50-13.9(b) to provide that, pursuant to GS 110-139(f), child support payments withheld from the wages of employees by employers in IV-D cases and in non-IV-D cases in which an order was initially issued in NC on or after Jan. 1, 1994 and in which income withholding is in effect must be sent directly by the employer to the state child support collection and disbursement unit, unless otherwise order by the court, for disbursement, and that, unless otherwise ordered by the court, the clerk of court must transmit child support payments to the custodial parent or other party entitled to receive payment in non-IV-D cases in which wage withholding is not in effect. Amends GS 50-13.9(b2) to require state child support collection and disbursement unit to notify clerk of court of all payments made in non-IV-D income withholding cases so that clerk can initiate enforcement proceedings under GS 50-13.9(d). (8) Effective Jan. 1, 2001, amends Art. I, sec. 25 of NC Constitution, subject to voter approval at Nov. 2000 election, to abolish the right of jury trial in civil cases in which paternity is contested. (9) Makes additional conforming changes. (10) Effective Oct. 1, 1999.

Intro. by Culpepper.

Ref. to Judiciary IV

GS 110, 50, 108A, 58, 52C, 15A

April 22, 1999

H 302. ENHANCE CHILD SUPPORT ENFORCE. Intro. 3/4/99. House committee substitute makes the following changes to 1st edition. Amends GS 110-142.2(b) to require court to order sanctions after an individual has been adjudicated in contempt for failure to pay child support for a third or subsequent time. Mandatory sanctions apply when obligor adjudicated in contempt for third or subsequent time after Oct. 1, 1999. Also requires court to order obligor to extinguish delinquency within a reasonable time (was, within 10 years), and requires immediate payment on delinquency on the amount of 5% of the debt or \$500, whichever is less (was, whichever is greater). Deletes provision requiring vote on amending constitution to repeal right to a jury trial in a paternity action.

April 26, 1999

H 302. ENHANCE CHILD SUPPORT ENFORCE.. Intro. 3/4/99. House amendments make the following changes to 2nd edition. (1) Add new provision that for the purpose of establishing or modifying a child support order, the amount of the obligor's gross income may be established by a written statement signed by the obligor's employer or an Employee Verification form produced by the Automated Collections Tracking System that has been completed and signed by the obligor's employer. A written statement signed by the employer that sets for the obligor's gross income, as well as an Employee Verification form signed by the employer, are to be admissible evidence in any action establishing or modifying a child support order. (2) Make clarifying changes.

June 1, 1999

H 302. ENHANCE CHILD SUPPORT ENFORCEMENT. Intro. 03/04/99. Senate committee substitute makes the following changes to 2nd edition. Makes 2nd edition Part I of new edition, which becomes effective only if the General Assembly does not appropriate to DHHS \$2,496,591 for 1999-2000 and \$3,328,791 for 2000-2001 for the administrative costs of receiving and disbursing child support payments in non-IV-D cases established prior to January 1, 1994. If the General Assembly makes this appropriation, Part II becomes effective. Act does not obligate General Assembly to appropriate funds. Part II parallels the provisions of Part I, with the following exceptions. Amends GS 50-13.9(a) to provide that the court may order that support payments be made directly to the State Child Support Collection and Disbursement Unit. Amends GS 50-13.4(d) to provide that, in non-IV-D cases, child support payments shall be ordered paid to the person or agency having custody of the child or to the State Child Support Collection and Disbursement Unit; In IV-D cases payments shall be ordered to the State Child Support Collection and Disbursement Unit. Amends GS 50-13.9(b) to require the Unit to transmit child support payments that are made to it to the custodial parent or other party entitled to receive them. Makes conforming changes to GS 50-13.9(d). Amends GS 110-36.3 to provide that, for purpose of establishing or modifying a child support order, the amount of the obligor's gross income may be established by a written statement signed by the obligor's employer or the employer's designee or an Employee Verification form produced by the Automated Collections Tracking System that has been signed by the obligor's employer or the employer's designee. Amends GS 110-136.9 to provide that in all cases, the State Child Support Collection and Disbursement Unit must distribute payments received from payors to the appropriate recipient. Makes conforming changes to GS 110-139(f).

June 23, 1999

H 302. ENHANCE CHILD SUPPORT ENFORCE. Intro. 3/4/99. Senate committee amendment makes the following changes to 4th edition. Rewrites effective date provision to specify that Part I of act is effective only if funds are not appropriated to Dep't of Health and Human Services for fiscal 199-2001 to cover cost of processing of non IV-D child support transactions. Part II effective if funds are appropriated to cover those transactions during that time period.

June 29, 1999

H 302. ENHANCE CHILD SUPPORT ENFORCE. Intro. 3/4/99. Senate amendment makes technical changes to 5th edition and deletes provision making parts of the act effective only if funds are not appropriated to the Dept. of Health and Human Services to cover the cost of processing all non-IV-D child support transactions.