

April 12, 2001

H 1244. FAMILY COURT PILOT DISTRICTS. TO ESTABLISH AN ALTERNATIVE JUDICIAL PROCESS FOR CHILD SUPPORT CASES IN DISTRICT COURT DISTRICTS THAT HAVE FAMILY COURT PILOT DISTRICTS AND TO ALLOW THE USE OF CHILD SUPPORT HEARING OFFICERS IN THOSE FAMILY COURT PILOT PROJECTS. Replaces present Art. 2 of Ch. 50 with new section 50-40.1 for family court pilot districts. New article creates a procedure for having child support orders established and enforced by a magistrate or clerk designated as a child support hearing officer, and allows the Director of the Administrative Office of the Courts, the chief district court judge, and the clerk or clerks of superior court in a family court district to implement the new procedure. Provides that under new procedure, child support cases, except where paternity is at issue, must be resolved within 60 days. Period may be extended by up to 30 days by order of the court when the parties consent to an extension or when either party or either party's attorney cannot be present for a hearing. Hearing officers have authority as set out in act, including the authority to enter child support orders that have the same force and effect as orders entered by a judge. Allows for case to be transferred to a district court judge when case involves (1) a contested paternity issue, (2) a custody dispute, (3) contested visitation rights, (4) property issues relating to the payment of child support, or (5) other complex issues. Provides that hearing officers do not have power to enforce orders by contempt. Allows parties a de novo hearing before a district court judge when notice of appeal is given within 10 days after judgment by hearing officer. Provides that hearing officers must complete a course of instruction established by the Administrative Office of the Courts before conducting hearings pursuant to this act. Act expires Dec. 1, 2002.

Intro. by Baddour.

Ref. to Judiciary II	GS 50
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