

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

D

HOUSE BILL 189
Committee Substitute Favorable 3/18/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H189-PCS30781-RK-87

Short Title: Amend Info./Child Supp. Orders.

(Public)

Sponsors:

Referred to:

March 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS REGARDING INFORMATION PROVIDED TO
3 NONCUSTODIAL PARENTS SUBJECT TO WAGE WITHHOLDING ORDERS
4 UNDER THE LAWS PERTAINING TO CHILD SUPPORT, AND TO MAKE
5 TECHNICAL CORRECTIONS TO THE UNIFORM DEPLOYED PARENTS CUSTODY
6 AND VISITATION ACT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 110-136.3(a) reads as rewritten:

9 "(a) Required Contents of Support Orders. All child support orders, civil or criminal,
10 entered or modified in the State in IV-D cases shall include a provision ordering income
11 withholding to take effect immediately. All child support orders, civil or criminal, initially
12 entered in the State in non-IV-D cases on or after January 1, 1994, shall include a provision
13 ordering income withholding to take effect immediately as provided in G.S. 110-136.5(c1),
14 unless one of the exceptions specified in G.S. 110-136.5(c1) applies. A non-IV-D child support
15 order that contains an income withholding requirement and a IV-D child support order
16 ~~shall~~shall comply with each of the following:

17 (1) Require the obligor to keep the clerk of court or IV-D agency informed of
18 the obligor's current residence and mailing ~~address;~~address.

19 (2),(2a) Repealed by Session Laws 1993, c. 517, s. 1.

20 (3) Require the obligor to cooperate fully with the initiating party in the
21 verification of the amount of the obligor's disposable ~~income;~~income.

22 (4) Require the custodial party to keep the obligor informed of ~~(i)~~the custodial
23 party's disposable income and the amount and effective date of any
24 substantial change in this disposable ~~income and (ii) income.~~

25 (4a) Include the current residence and mailing address of the child, unless
26 custodial parent, or the address of the child if the address of the custodial
27 parent and the address of the child are different. However, there is no
28 requirement that the child support order contain the address of the custodial
29 parent or the child if (i) there is an existing order prohibiting disclosure of
30 the custodial parent's or child's address to the obligor or (ii) the court has
31 determined that notice to the obligor is inappropriate because the obligor has
32 made verbal or physical threats that constitute domestic violence under
33 Chapter 50B of the General Statutes; and Statutes.



* H 1 8 9 - P C S 3 0 7 8 1 - R K - 8 7 *

- 1 (5) Require the obligor to keep the initiating party informed of the name and
2 address of any payor of the obligor's disposable income and of the amount
3 and effective date of any substantial change in this disposable income."

4 **SECTION 2.** G.S. 50A-370(a) reads as rewritten:

5 "(a) After a deploying parent receives notice of deployment and during the deployment,
6 a court may issue a temporary order granting custodial responsibility unless prohibited by the
7 Servicemembers Civil Relief Act, 50 U.S.C. app. §§ 521-522. A court may not issue a
8 permanent order granting custodial responsibility in the absence of the deploying parent
9 without the consent of the deploying parent."

10 **SECTION 3.** G.S. 50A-379(a) reads as rewritten:

11 "(a) Except for an order in accordance with G.S. 50A-373 or as otherwise provided in
12 subsection (b) of this section, and consistent with the Servicemembers Civil Relief Act, 50
13 U.S.C. app. §§ 521-522, on motion of a deploying or other parent or any nonparent to whom
14 caretaking authority, decision-making authority, or limited contact has been granted, the court
15 may modify or terminate a grant of caretaking authority, decision-making authority, or limited
16 contact made pursuant to this Article if the modification or termination is consistent with this
17 Part and the court finds it is in the best interest of the child. Any modification shall be
18 temporary and terminates following the conclusion of deployment of the deployed parent
19 according to the procedures under Part 4 of this Article, unless the grant has been terminated
20 before that time by court order."

21 **SECTION 4.** G.S. 50A-385(c) reads as rewritten:

22 "(c) In the absence of an agreement to terminate, the temporary agreement granting
23 custodial responsibility terminates 60 days from the date ~~of one of the following:~~

- 24 (1) ~~The date the deploying parent gives notice to the other parent that the~~
25 ~~deploying parent has returned from deployment.~~
26 (2) ~~The date stated in an order terminating the temporary grant of custodial~~
27 ~~responsibility.~~
28 (3) ~~The death of the deploying parent.~~the deploying parent gives notice to the
29 other parent that the deploying parent has returned from deployment, unless earlier terminated
30 upon the date stated in an order terminating the temporary grant of custodial responsibility or
31 the death of the deploying parent."

32 **SECTION 5.** G.S. 50A-388(a) reads as rewritten:

33 "(a) A temporary order for custodial responsibility issued under Part 3 of this Article
34 shall terminate, if no agreement between the parties to terminate a temporary order for
35 custodial responsibility has been filed, 60 days from ~~(i)~~the date the deploying parent gives
36 notice of having returned from deployment to the other parent ~~or~~and any nonparent granted
37 custodial ~~responsibility~~responsibility, when applicable, or ~~(ii)~~upon the death of the deploying
38 ~~parent.~~parent, whichever occurs first."

39 **SECTION 6.** Section 1 of this act becomes effective January 1, 2015, and applies
40 to orders entered on or after that date. The remainder of this act is effective when it becomes
41 law.