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Short Title: Child Support Changes/AB.

(Public)

Sponsors:

Referred to:

February 13, 1995

A BILL TO BE ENTITLED  
AN ACT TO IMPROVE THE ENFORCEMENT OF CHILD SUPPORT BY  
CREATING ADDITIONAL REMEDIES.

The General Assembly of North Carolina enacts:

TITLE I. ADDITIONAL PENALTIES FOR FAILURE TO MEET CHILD SUPPORT  
OBLIGATIONS, AND CONFORMING STATUTES.

Section 1. Effective July 1, 1996, Chapter 50 of the General Statutes is  
amended by adding the following new section to read:

**"§ 50-13.12. Forfeiture of licensing privileges for failure to pay child support.**

(a) As used in this section, the term:

(1) 'Licensing board' means a department, division, agency, officer, board, or other unit of State government that issues hunting, fishing, trapping, or occupational licenses or licensing privileges.

(2) 'Licensing privilege' means the privilege of an individual to be authorized to engage in an activity as evidenced by hunting, fishing, and trapping licenses, and occupational, professional, and business licenses.

1           (3) 'Obligee' means the individual or agency to whom a duty of support is  
2 owed or the individual's legal representative.

3           (4) 'Obligor' means the individual who owes a duty to make child support  
4 payments under a court order.

5           (5) 'Occupational license' means a license, certificate, permit, registration,  
6 or any other authorization issued by a licensing board that allows an  
7 obligor to engage in an occupation or profession.

8       (b) Upon a finding by the district court judge that the obligor is willfully  
9 delinquent in child support payments equal to at least one month's child support, and  
10 upon findings as to any specific licensing privileges held by the obligor, the court may  
11 revoke some or all of such privileges until the obligor shall have paid the delinquent  
12 amount in full. The court may stay any such revocation upon conditions requiring the  
13 obligor to make full payment of the delinquency over time. Any such stay shall further be  
14 conditioned upon the obligor's maintenance of current child support. Upon an order  
15 revoking such privileges that does not stay the revocation, the clerk of superior court  
16 shall notify the appropriate licensing board that the obligor is delinquent in child support  
17 payments and that the obligor's licensing privileges are revoked until such time as the  
18 licensing board receives proof of certification by the clerk that the obligor is no longer  
19 delinquent in child support payments.

20       (c) An obligor may file a request with the clerk of superior court for certification  
21 that the obligor is no longer delinquent in child support payments upon submission of  
22 proof satisfactory to the clerk that the obligor has paid the delinquent amount in full. The  
23 clerk shall provide a form to be used by the obligor for a request for certification. If the  
24 clerk finds that the obligor has met the requirements for reinstatement under this  
25 subsection, then the clerk shall certify that the obligor is no longer delinquent and shall  
26 provide a copy of the certification to the obligor. Upon request of the obligor, the clerk  
27 shall mail a copy of the certification to the appropriate licensing board.

28       (d) If licensing privileges are revoked under this section, the obligor may petition  
29 the district court for a reinstatement of such privileges. The court may order the  
30 privileges reinstated conditioned upon full payment of the delinquency over time. Any  
31 order allowing license reinstatement shall additionally require the obligor's maintenance  
32 of current child support. Upon reinstatement under this subsection, the clerk of superior  
33 court shall certify that the obligor is no longer delinquent and provide a copy of the  
34 certification to the obligor. Upon request of the obligor, the clerk shall mail a copy of the  
35 certification to the appropriate licensing board.

36       (e) The obligor may provide a copy of the certification set forth in either  
37 subsection (c) or (d) to each licensing agency to which the obligor applies for  
38 reinstatement of licensing privileges. Upon request of the obligor, the clerk shall mail a  
39 copy of the certification to the appropriate licensing board. Upon receipt of a copy of the  
40 certification, the licensing board shall reinstate the license.

41       (f) Upon receipt of notification by the clerk that the obligor's licensing privileges  
42 are revoked, the board shall note the revocation on its records and take all necessary steps  
43 to implement and enforce the revocation. These steps shall not include the board's

1 independent revocation process pursuant to Chapter 150B of the General Statutes, the  
2 Administrative Procedure Act, which process is replaced by the court process prescribed  
3 by this section. The revocation shall remain in full force and effect until the board  
4 receives certification under this section that the obligor is no longer delinquent in child  
5 support payments."

6 Sec. 1.1. Effective December 1, 1996, G.S. 50-13.12(a), as amended by  
7 Section 1 of this act, reads as rewritten:

8 "(a) As used in this section, the term:

- 9 (1) 'Licensing board' means a department, division, agency, officer, board,  
10 or other unit of state government that issues hunting, fishing, trapping,  
11 drivers, or occupational licenses or licensing privileges.  
12 (2) 'Licensing privilege' means the privilege of an individual to be  
13 authorized to engage in an activity as evidenced by hunting, fishing, or  
14 trapping licenses, regular and commercial drivers licenses, and  
15 occupational, professional, and business licenses.  
16 (3) 'Obligee' means the individual or agency to whom a duty of support is  
17 owed or the individual's legal representative.  
18 (4) 'Obligor' means the individual who owes a duty to make child support  
19 payments under a court order.  
20 (5) 'Occupational license' means a license, certificate, permit, registration,  
21 or any other authorization issued by a licensing board that allows an  
22 obligor to engage in an occupation or profession."

23 Sec. 1.2. Effective July 1, 1996, G.S. 50-13.9(d) reads as rewritten:

24 "(d) In a non-IV-D case, when an obligor fails to make a required payment of child  
25 support and is in arrears, the clerk of superior court shall mail by regular mail to the last  
26 known address of the obligor a notice of delinquency. The notice shall set out the  
27 amount of child support currently due and shall demand immediate payment of said  
28 amount. The notice shall also state that failure to make immediate payment will result in  
29 the issuance by the court of an enforcement order requiring the obligor to appear before a  
30 district court judge and show cause why the support obligation should not be enforced by  
31 income withholding, contempt of court, revocation of licensing privileges, or other  
32 appropriate means. Failure to receive the delinquency notice shall not be a defense in any  
33 subsequent proceeding. Sending the notice of delinquency shall be in the discretion of  
34 the clerk if the clerk has, during the previous 12 months, sent a notice or notices of  
35 delinquency to the obligor for nonpayment, or if income withholding has been  
36 implemented against the obligor or the obligor has been previously found in contempt for  
37 nonpayment under the same child support order.

38 If the arrearage is not paid in full within 21 days after the mailing of the delinquency  
39 notice, or without waiting the 21 days if the clerk has elected not to mail a delinquency  
40 notice for any of the reasons provided herein, the clerk shall cause an enforcement order  
41 to be issued and shall issue a notice of hearing before a district court judge. The  
42 enforcement order shall order the obligor to appear and show cause why he should not be  
43 subjected to income withholding or adjudged in contempt of court, or both, and shall

1 order the obligor to bring to the hearing records and information relating to his  
2 ~~employment~~ employment, his licensing privileges, and the amount and sources of his  
3 disposable income. The enforcement order shall state:

- 4 (1) That the obligor is under a court order to provide child support, the  
5 name of each child for whose benefit support is due, and information  
6 sufficient to identify the order;
- 7 (2) That the obligor is delinquent and the amount of overdue support;
- 8 (3) That the court may order the revocation of some or all of the obligor's  
9 licensing privileges if the obligor is delinquent in an amount equal to the  
10 support due for one month;
- 11 ~~(3)~~(4) That the court may order income withholding if the obligor is delinquent  
12 in an amount equal to the support due for one month;
- 13 ~~(4)~~(5) That income withholding, if implemented, will apply to the obligor's  
14 current payors and all subsequent payors and will be continued until  
15 terminated pursuant to G.S. 110-136.10;
- 16 ~~(5)~~(6) That failure to bring to the hearing records and information relating to  
17 his employment and the amount and sources of his disposable income  
18 will be grounds for contempt;
- 19 ~~(6)~~(7) That if income withholding is not an available or appropriate remedy,  
20 the court may determine whether the obligor is in contempt or whether  
21 any other enforcement remedy is appropriate.

22 The enforcement order may be signed by the clerk or a district court judge, and shall be  
23 served on the obligor pursuant to G.S. 1A-1, Rule 4, Rules of Civil Procedure. The clerk  
24 shall also notify the party to whom support is owed of the pending hearing. The clerk  
25 may withdraw the order to the supporting party upon receipt of the delinquent payment.  
26 On motion of the person to whom support is owed, with the approval of the district court  
27 judge, if ~~he~~ the district court judge finds it is in the best interest of the child, no  
28 enforcement order shall be issued.

29 When the matter comes before the court, the court shall proceed as in the case of a  
30 motion for income withholding under G.S. 110-136.5. If income withholding is not an  
31 available or adequate remedy, the court may proceed with contempt, imposition of a lien,  
32 or other available, appropriate enforcement remedies.

33 This subsection shall apply only to non-IV-D cases, except that the clerk shall issue  
34 an enforcement order in a IV-D case when requested to do so by an IV-D obligee."

35 Sec. 1.3. Effective July 1, 1996, Chapter 93B of the General Statutes is  
36 amended by adding the following new section to read:

37 **"§ 93B-12. Revocation when licensing privilege forfeited for nonpayment of child**  
38 **support.**

39 (a) Upon receipt of a court order, pursuant to G.S. 50-13.12, revoking the  
40 occupational license of a licensee under its jurisdiction, an occupational licensing board  
41 shall note the revocation in its records and follow the normal postrevocation rules and  
42 procedures of the board as if the revocation had been ordered by the board. The

1 revocation shall remain in effect until the board receives certification by the clerk of  
2 superior court that the licensee is no longer delinquent in child support payments.

3 (b) Upon receipt of notification from the Department of Human Resources that a  
4 licensee under an occupational licensing board's jurisdiction has forfeited the licensee's  
5 occupational license pursuant to G.S. 110-142.1, then the occupational licensing board  
6 shall send a notice of intent to revoke or suspend the occupational license of that licensee  
7 as provided by G.S. 110-142.1(d). If the license is revoked as provided by the provisions  
8 of G.S. 110-142.1, the revocation shall remain in effect until the board receives  
9 certification by the designated representative or the child support enforcement agency  
10 that the licensee is no longer delinquent in child support payments.

11 (c) If at the time the court revokes a license pursuant to subsection (a) of this  
12 section, or if at the time the occupational licensing board revokes a license pursuant to  
13 subsection (b) of this section, the occupational licensing board has revoked the same  
14 license under the licensing board's disciplinary authority over licensees under its  
15 jurisdiction, and that revocation period is greater than the revocation period resulting  
16 from forfeiture pursuant to G.S. 50-13.12 or G.S. 110-142.1 then the revocation period  
17 imposed by the occupational licensing board applies.

18 (d) Immediately upon certification by the clerk of superior court or the child  
19 support enforcement agency that the licensee whose license was revoked pursuant to  
20 subsection (a) or (b) of this section is no longer delinquent in child support payments, the  
21 occupational licensing board shall reinstate the license. Reinstatement of a license  
22 pursuant to this section shall be made at no additional cost to the licensee."

23 Sec. 1.4. Article 9 of Chapter 110 is amended by adding the following new  
24 sections to read:

25 "**§ 110-142. Definitions; suspension and revocation of occupational, professional, or**  
26 **business licenses of obligors who are delinquent in court-ordered child**  
27 **support or subject to outstanding warrants for failure to appear for**  
28 **failure to comply with the terms of a court order for child support.**

29 The definitions in G.S. 110-129 and G.S. 147-54.12 apply to this section and G.S.  
30 110-142.1, and G.S. 110-142.2. In addition, to these sections the following definitions  
31 apply:

- 32 (1) 'Applicant' means any person applying for issuance or renewal of a  
33 license.
- 34 (2) 'Board' means any department, division, agency, officer, board, or other  
35 unit of State government that issues licenses.
- 36 (3) 'Certified list' means a list provided by the designated representative to  
37 the Department of Human Resources that verifies, under penalty of  
38 perjury, that the names contained therein are obligors who have been  
39 found to be out of compliance with a judgment or order for support in a  
40 IV-D case.
- 41 (4) 'Compliance with an order for support' means that, as set forth in a  
42 judgment or order for child support or family support, the obligor is no  
43 more than 90 calendar days in arrears in making payments for current

1 support, in making periodic payments on a support arrearage, or in  
2 making periodic payments on a reimbursement for public assistance, has  
3 obtained a judicial finding that precludes enforcement of the order, or  
4 has entered into a payment schedule, including G.S. 110-142.1(h), for  
5 the child support arrearage with the approval of the obligee in a IV-D  
6 case.

7 (5) 'License' means (i) for the purposes of G.S. 110-142.1, a license,  
8 certificate, permit, registration, or any other authorization issued by a  
9 board that allows a person to engage in a business, occupation, or  
10 profession or (ii) for the purposes of G.S. 110-142.2, a license to operate  
11 a regular or commercial motor vehicle, or to participate in hunting,  
12 fishing, or trapping.

13 (6) 'Licensee' means any person holding a license.

14 (7) 'Obligor' means the individual who owes a duty to make child support  
15 payments under a court order.

16 **"§ 110-142.1. IV-D notified suspension, revocation, and issuance of occupational,**  
17 **professional, or business licenses of obligors who are delinquent in court-**  
18 **ordered child support or subject to outstanding warrants for failure to**  
19 **appear for failure to comply with the terms of a court order for child**  
20 **support.**

21 (a) Effective July 1, 1996, the Department of Human Resources may notify any  
22 board that a person licensed by that board is not in compliance with an order for child  
23 support.

24 (b) The designated representative shall maintain a list of those obligors included in  
25 a IV-D case for which a child support order has been rendered by, or registered in, a court  
26 of this State, and who are not in compliance with that order. The designated  
27 representative shall submit a certified list with the names, social security numbers, and  
28 last known address of these obligors and the name, address, and telephone number of the  
29 person who certified the list to the Department of Human Resources, Division of Social  
30 Services, Child Support Enforcement Office. The designated representative shall verify,  
31 under penalty of perjury, that the obligors listed are subject to an order for the payment of  
32 support and that these persons are not in compliance with the order. An updated certified  
33 list shall be submitted to the Department on a monthly basis.

34 The Department of Human Resources, Division of Social Services, Child Support  
35 Enforcement Office, shall consolidate the certified lists received from the designated  
36 representatives and, within 30 calendar days of receipt, shall furnish each board with a  
37 certified list of its obligors, as specified in this section.

38 (c) Each board shall coordinate with the Department of Human Resources,  
39 Division of Social Services, Child Support Enforcement Office, in the development of  
40 forms and procedures to implement this section.

41 (d) Promptly after receiving the certified list of obligors from the Department of  
42 Human Resources, each board shall determine whether its applicant or licensee is an  
43 obligor on the list. If the applicant or licensee is an obligor on the list, the board shall

1 immediately send notice as specified in this subsection to the applicant or licensee of the  
2 board's intent to revoke or suspend the licensee's license in 20 days from the date of the  
3 notice, or that the board is withholding issuance or renewal of an applicant's license, until  
4 the designated representative certifies that the applicant or licensee is entitled to be  
5 licensed or reinstated. The notice shall be made personally or by certified mail to the  
6 obligor's last known mailing address on file with the board.

7 (e) Unless notified by the designated representative as provided in subsection (h)  
8 of this section, the board shall revoke or suspend the obligor's license 20 days from the  
9 date of the notice to the obligor of the board's intent to revoke or suspend the license. In  
10 the event that a license is revoked or application is denied pursuant to this section, the  
11 board is not required to refund fees paid by the obligor.

12 (f) Notices shall be developed by each board in accordance with guidelines  
13 provided by the Department of Human Resources and shall be subject to the approval of  
14 the Department of Human Resources. The notice shall include the address and telephone  
15 number of the designated representative who submitted the name on the certified list, and  
16 shall emphasize the necessity of obtaining a certification of compliance from the  
17 designated representative or the child support enforcement agency as a condition of  
18 issuance, renewal, or reinstatement of the license. The notice shall inform the obligor  
19 that if a license is revoked or application is denied pursuant to this subsection, the board  
20 is not required to refund fees paid by the obligor. The Department of Human Resources  
21 shall also develop a form that the obligor shall use to request a review by the designated  
22 representative. A copy of this form shall be included with every notice sent pursuant to  
23 subsection (d) of this section.

24 (g) The Department of Human Resources shall establish review procedures  
25 consistent with this section to allow an obligor to have the underlying arrearage and any  
26 relevant defenses investigated, to provide an obligor information on the process of  
27 obtaining a modification of a support order, or, if the circumstances so warrant, to  
28 provide an obligor assistance in the establishment of a payment schedule on arrears.

29 (h) If the obligor wishes to challenge the submission of the obligor's name on the  
30 certified list or negotiate a payment schedule, the obligor shall within 14 days of the date  
31 of notice from the board request a review from the designated representative. The  
32 designated representative shall within six days of the date of the obligor's request for  
33 review notify the appropriate board of the obligor's request for review and direct the  
34 board to stay any action revoking or suspending the obligor's license until further notice  
35 from the designated representative. The designated representative shall review the  
36 obligor's case and inform the obligor in writing of the representative's findings and  
37 decision upon completion of the review. The designated representative shall  
38 immediately send a notice to the appropriate board certifying the obligor's compliance  
39 with this section if the obligor is found to be no longer in arrears or negotiates an  
40 agreement with the designated representative for a payment schedule on arrears or  
41 reimbursement. The agreement shall also provide for the maintenance of current support  
42 obligations and shall be incorporated into a consent order to be entered by the court. If  
43 the obligor fails to meet the conditions of this subsection, the designated representative

1 shall notify the appropriate board to immediately revoke or suspend the obligor's license.  
2 Upon receipt of notice from the designated representative, the board shall immediately  
3 revoke or suspend the obligor's license.

4 (i) The designated representative shall notify the obligor in writing that the  
5 obligor may, by filing a motion, request any or all of the following:

6 (1) Judicial review of the designated representative's decision.

7 (2) A judicial determination of compliance.

8 (3) A modification of the support order.

9 The notice shall also contain the name and address of the court in which the obligor shall  
10 file the motion and inform the obligor that the obligor's name shall remain on the certified  
11 list unless the judicial review results in a finding by the court that the obligor is no longer  
12 in arrears or that the obligor's license should be reinstated under subsection (k) of this  
13 section. The notice shall also inform the obligor that the obligor must comply with all  
14 statutes and rules of court regarding motions and notices of hearing and that any motion  
15 filed under this section is subject to the limitations of G.S. 50-13.10.

16 (j) The motion for judicial review of the designated representative's decision shall  
17 state the grounds for which review is requested and judicial review shall be limited to  
18 those stated grounds. After service of the request for review, the court shall hold an  
19 evidentiary hearing at the next regularly scheduled session for the hearing of child  
20 support matters in civil district court. The request for judicial review shall be served by  
21 the obligor upon the designated representative who submitted the obligor's name on the  
22 certified list within seven calendar days of the filing of the motion.

23 (k) If the judicial review results in a finding by the court that the obligor is no  
24 longer in arrears or that the obligor's license should be reinstated to allow the obligor an  
25 opportunity to comply with a payment schedule on arrears or reimbursement and current  
26 support obligations, the designated representative shall immediately send a notice to the  
27 appropriate board certifying the obligor's compliance with this section. In the event of  
28 appeal from the judicial review, the license revocation shall not be stayed unless the court  
29 specifically provides otherwise.

30 (l) The Department of Human Resources shall prescribe forms for use by the  
31 designated representative. When the obligor is no longer in arrears or negotiates an  
32 agreement with the designated representative for a payment schedule on arrears or  
33 reimbursement as provided in subsection (h) of this section, the designated representative  
34 shall mail to the obligor and the appropriate board a notice certifying that the obligor is in  
35 compliance. The receipt of certification shall serve to notify the obligor and the board  
36 that, for the purposes of this section, the obligor is in compliance with the order for  
37 support.

38 (m) The Department of Human Resources may enter into interagency agreements  
39 with the boards necessary to implement this section.

40 (n) The procedures specified in Articles 3 and 3A of Chapter 150B of the General  
41 Statutes, the Administrative Procedure Act, shall not apply to the denial or failure to issue  
42 or renew a license pursuant to this section.



1       (o) Any board receiving an inquiry as to the licensed status of an applicant or  
2 licensee who has had a license denied or revoked under this section shall respond only  
3 that the license was denied or revoked pursuant to this section. Information collected  
4 pursuant to this section shall be confidential and shall not be disclosed except in  
5 accordance with the laws of this State.

6       (p) If any provision of this section or its application to any person or circumstance  
7 is held invalid, that invalidity shall not affect other provisions or applications of this  
8 section that can be given effect without the invalid provision or application, and to this  
9 end the provisions of this section are severable.

10 **"§ 110-142.2. Suspension, revocation, restriction of license to operate a motor**  
11 **vehicle or hunting, fishing, or trapping licenses; refusal of registration of**  
12 **motor vehicle.**

13       (a) Effective December 1, 1996, notwithstanding any other provision of law, when  
14 an obligor is at least 90 days in arrears in making child support payments, the child  
15 support enforcement agency may apply to the court, pursuant to the regular show cause  
16 and contempt provisions of G.S. 50-13.9(d), for an order doing any of the following:

17           (1) Revoking the obligor's regular or commercial license to operate a motor  
18 vehicle;

19           (2) Revoking the obligor's hunting, fishing, or trapping licenses;

20           (3) Directing the Department of Transportation, Division of Motor  
21 Vehicles, to refuse, pursuant to G.S. 20-50.4, to register the obligor's  
22 motor vehicle.

23       (b) Upon finding that the obligor has willfully failed to comply with the child  
24 support order, and that the obligor is at least 90 days in arrears, the court may enter an  
25 order instituting the sanctions as provided in subsection (a) of this section. The court may  
26 stay the effectiveness of the sanctions upon conditions requiring the obligor to make full  
27 payment of the delinquency over time. Any such stay shall also be conditioned upon the  
28 obligor's maintenance of current child support. Upon entry of an order pursuant to this  
29 section that is not stayed, the obligor shall surrender any licenses revoked by the court's  
30 order to the child support enforcement agency and the agency shall forward a report to  
31 the appropriate licensing authority within 30 days of the order.

32       (c) If the obligor's regular or commercial drivers license is revoked under this  
33 section and the court, after the hearing, makes a finding that a license to operate a motor  
34 vehicle is necessary to the obligor's livelihood, the court may issue a limited driving  
35 privilege, with those terms and conditions applying as the court shall prescribe. An  
36 obligor whose license has been revoked for reasons not related to this section and whose  
37 license remains revoked at the time of the hearing shall not be eligible and may not be  
38 issued a limited driving privilege. The court may modify or revoke the limited driving  
39 privilege pursuant to G.S. 20-179.3(i).

40       (d) An obligor may file a request with the child support enforcement agency for  
41 certification that the obligor is no longer delinquent in child support payments upon  
42 submission of proof satisfactory to the child support enforcement agency that the obligor  
43 has paid the delinquent amount in full. The child support enforcement agency shall

1 provide a form to be used by the obligor for a request for certification. If the child  
2 support enforcement agency finds that the obligor has met the requirements for  
3 reinstatement under this subsection, then the child support enforcement agency shall  
4 certify that the obligor is no longer delinquent and shall provide a copy of the  
5 certification to the obligor.

6 (e) If licensing privileges are revoked under this section, the obligor may petition  
7 the district court for a reinstatement of such privileges. The court may order the  
8 privileges reinstated conditioned upon full payment of the delinquency over time. Any  
9 order allowing license reinstatement shall additionally require the obligor's maintenance  
10 of current child support. Upon reinstatement under this subsection, the child support  
11 enforcement agency shall certify that the obligor is no longer delinquent and shall  
12 provide a copy of the certification to the obligor.

13 (f) Upon receipt of certification under subsection (d) or (e) of this section, the  
14 Division of Motor Vehicles shall reinstate the license to operate a motor vehicle in  
15 accordance with G.S. 20-24.1, and remove any restriction of the obligor's motor vehicle  
16 registration.

17 (g) Upon receipt of certification under subsection (d) or (e) of this section, the  
18 licensing board having jurisdiction over the obligor's hunting, fishing, or trapping license  
19 shall reinstate the license.

20 (h) If the court imposes sanctions under subdivision (3) of subsection (a) of this  
21 section and the sanctions are stayed upon conditions as provided in subsection (b) of this  
22 section, the child support enforcement agency may, without any further application to the  
23 court, notify the Division of Motor Vehicles if the obligor violates the terms and  
24 conditions of the stay. The Division shall then take such action as provided in subdivision  
25 (3) of subsection (a) of this section. The Division shall not remove any restriction of the  
26 obligor's motor vehicle registration, until receipt of certification pursuant to subsection  
27 (d) or (e) of this section.

28 (i) The Department of Human Resources, the Administrative Office of the Courts,  
29 the Division of Motor Vehicles, and the Department of Environment, Health, and Natural  
30 Resources shall work together to develop the forms and procedures necessary for the  
31 implementation of this process."

32 Sec. 2. (a) G.S. 20-15.1 reads as rewritten:

33 "**§ 20-15.1. Revocations when licensing privileges ~~forfeited after conviction of a crime.~~**  
34 **forfeited.**

35 The Division shall revoke the license of a person whose licensing privileges have  
36 been forfeited under G.S. ~~45A-1331A.~~ 15A-1331A, 50-13.12, and 110-142.2. If a  
37 revocation period set by this Chapter is longer than the revocation period resulting from  
38 the forfeiture of licensing privileges, the revocation period in this Chapter applies."

39 (b) G.S. 20-17 is amended by adding a new subdivision to read:

40 "(12) On the basis of information provided by the child support enforcement  
41 agency or the clerk of court, the Division shall ensure that no license or  
42 right to operate a motor vehicle under this Chapter is renewed or issued  
43 to an obligor who is delinquent in making child support payments when

1 a court of record has issued a revocation order pursuant to G.S. 110-  
2 142.2 or G.S. 50-13.12. The obligor shall not be entitled to any other  
3 hearing before the Division as a result of the revocation of his license  
4 pursuant to G.S. 110-142.2 or G.S. 50-13.12."

5 (c) G.S. 20-24 reads as rewritten:

6 "**§ 20-24. When court or child support enforcement agency to forward license to**  
7 **Division and report ~~convictions~~–convictions, child support delinquencies,**  
8 **and prayers for judgment continued.**

9 (a) License. – A court that convicts a person of an offense that requires revocation  
10 of the person's drivers license or revokes a person's drivers license pursuant to G.S. 50-  
11 13.12 shall require the person to give the court any regular or commercial drivers license  
12 issued to that person. A court that convicts a person of an offense that requires  
13 disqualification of the person but would not require revocation of a regular drivers license  
14 issued to that person shall require the person to give the court any Class A or Class B  
15 regular drivers license and any commercial drivers license issued to that person.

16 The clerk of court in a non-IV-D case, and the child support enforcement agency in a  
17 IV-D case, shall accept a drivers license required to be given to the court under this  
18 subsection. A clerk of court or the child support enforcement agency who receives a  
19 drivers license shall give the person whose license is received a copy of a dated receipt  
20 for the license. The receipt must be on a form approved by the Commissioner. A  
21 revocation or disqualification for which a license is received under this subsection is  
22 effective as of the date on the receipt for the license.

23 The clerk of court or the child support enforcement agency shall notify the Division of  
24 a license received under this subsection either by forwarding to the Division the license, a  
25 record of the conviction for which the license was received, a copy of the court order  
26 revoking the license for failure to pay child support for which the license was received,  
27 and the original dated receipt for the license or by electronically sending to the Division  
28 the information on the license, the record of ~~conviction~~–conviction or court order revoking  
29 the license for failure to pay child support, and the receipt given for the license. The  
30 clerk of court or the child support enforcement agency must forward the required items  
31 unless the Commissioner has given the clerk of court or the child support enforcement  
32 agency approval to notify the Division electronically. If the clerk of court or the child  
33 support enforcement agency notifies the Division electronically, the clerk of court or the  
34 child support enforcement agency must destroy a license received after sending to the  
35 Division the required information. The clerk of court or the child support enforcement  
36 agency shall notify the Division within 30 days after entry of the conviction or court  
37 order revoking the license for failure to pay child support for which the license was  
38 received.

39 (b) ~~Convictions~~–Convictions, court orders of drivers license revocations, and PJs.  
40 – The clerk of court shall send the Division a record of any of the following:

- 41 (1) A conviction of a violation of a law regulating the operation of a  
42 vehicle.

- 1 (2) A conviction for which the convicted person is placed on probation and  
2 a condition of probation is that the person not drive a motor vehicle for  
3 a period of time, stating the period of time for which the condition  
4 applies.
- 5 (3) A conviction of a felony in the commission of which a motor vehicle is  
6 used, when the judgment includes a finding that a motor vehicle was  
7 used in the commission of the felony.
- 8 (4) A conviction that requires revocation of the drivers license of the person  
9 convicted and is not otherwise reported under subdivision (1).
- 10 (4a) A court order revoking drivers license pursuant to G.S. 50-13.12.
- 11 (5) An order entering prayer for judgment continued in a case involving an  
12 alleged violation of a law regulating the operation of a vehicle.

13 The child support enforcement agency shall send the Division a record of any court  
14 order revoking drivers license pursuant to G.S. 110-142.2(a)(1).

15 With the approval of the Commissioner, the clerk of court or the child support  
16 enforcement agency may forward a record of ~~conviction~~ conviction, court order revoking  
17 drivers license, or prayer for judgment continued to the Division by electronic data  
18 processing means.

19 (b1) In any case in which the Division, for any reason, does not receive a record of  
20 a conviction or a prayer for judgment continued until more than one year after the date it  
21 is entered, the Division may, in its discretion, substitute a period of probation for all or  
22 any part of a revocation or disqualification required because of the conviction or prayer  
23 for judgment continued.

24 (c) Repealed by Session Laws 1991, c. 726, s. 10.

25 (d) Scope. – This Article governs drivers license revocation and disqualification.  
26 A drivers license may not be revoked and a person may not be disqualified except in  
27 accordance with this Article.

28 (e) Special Information. – A judgment for a conviction for an offense for which  
29 special information is required under this subsection shall, when appropriate, include a  
30 finding of the special information. The convictions for which special information is  
31 required and the specific information required is as follows:

- 32 (1) Homicide. – If a conviction of homicide involves impaired driving, the  
33 judgment must indicate that fact.
- 34 (2) G.S. 20-138.1, Driving While Impaired. – If a conviction under G.S. 20-  
35 138.1 involves a commercial motor vehicle, the judgment must indicate  
36 that fact. If a conviction under G.S. 20-138.1 involves a commercial  
37 motor vehicle that was transporting a hazardous substance required to  
38 be placarded, the judgment must indicate that fact.
- 39 (3) G.S. 20-138.2, Driving Commercial Motor Vehicle While Impaired. – If  
40 the commercial motor vehicle involved in an offense under G.S. 20-  
41 138.2 was transporting a hazardous material required to be placarded, a  
42 judgment for that offense must indicate that fact.

1 (4) G.S. 20-166, Hit and Run. – If a conviction under G.S. 20-166 involves  
2 a commercial motor vehicle, the judgment must indicate that fact. If a  
3 conviction under G.S. 20-166 involves a commercial motor vehicle that  
4 was transporting a hazardous substance required to be placarded, the  
5 judgment must indicate that fact.

6 (5) Felony Using Commercial Motor Vehicle. – If a conviction of a felony  
7 in which a commercial motor vehicle was used involves the  
8 manufacture, distribution, or dispensing of a controlled substance, or  
9 possession with intent to manufacture, distribute, or dispense a  
10 controlled substance, the judgment must indicate that fact. If a  
11 commercial motor vehicle used in a felony was transporting a hazardous  
12 substance required to be placarded, the judgment for that felony must  
13 indicate that fact."

14 (d) G.S. 20-24.1(c) reads as rewritten:

15 "(c) If the person satisfies the conditions of subsection (b) that are applicable to his  
16 case before the effective date of the revocation order, the revocation order and any entries  
17 on his driving record relating to it shall be deleted and the person does not have to pay the  
18 restoration fee set by G.S. 20-7(i1). For all other revocation orders issued pursuant to this  
19 section, G.S. 50-13.12 or G.S. 110-142.2, the person must pay the restoration fee and  
20 satisfy any other applicable requirements of this Article before ~~he~~the person may be  
21 relicensed."

22 (e) G.S. 20-28(a) reads as rewritten:

23 "(a) Driving While License Revoked. – Except as provided in subsection (a1) of  
24 this section, ~~Any~~any person whose drivers license has been revoked who drives any  
25 motor vehicle upon the highways of the State while the license is revoked is guilty of a  
26 Class 1 misdemeanor. Upon conviction, the person's license shall be revoked for an  
27 additional period of one year for the first offense, two years for the second offense, and  
28 permanently for a third or subsequent offense.

29 The restoree of a revoked drivers license who operates a motor vehicle upon the  
30 highways of the State without maintaining financial responsibility as provided by law  
31 shall be punished as for ~~operating-driving~~ without a ~~drivers~~ license."

32 (f) G.S. 20-28(a1) reads as rewritten:

33 "(a1) Driving Without Reclaiming License. – A person convicted under subsection  
34 (a) shall be punished as if ~~he~~the person had been convicted of driving without a license  
35 under G.S. ~~20-7-20-35~~ if ~~he~~the person demonstrates to the court ~~that~~that either  
36 subdivisions (1) and (2), or subdivision (3) of this subsection is true:

37 (1) At the time of the offense, ~~his~~the person's license was revoked solely  
38 under G.S. 20-16.5; and

39 (2) a. The offense occurred more than 30 days after the effective date of a  
40 revocation order issued under G.S. 20-16.5(f) and the period of  
41 revocation was 30 days as provided under subdivision (3) of that  
42 subsection; or

1           b.       The offense occurred more than 10 days after the effective date  
2                   of the revocation order issued under any other provision of G.S.  
3                   ~~20-16.5-20-16.5~~; or

4           (3)     At the time of the offense the person had met the requirements of G.S.  
5                   50-13.12, or G.S. 110-142.2 and was eligible for reinstatement of the  
6                   person's drivers license privilege as provided therein.

7           In addition, a person punished under this subsection shall be treated for drivers license  
8           and insurance rating purposes as if ~~he~~the person had been convicted of driving without a  
9           license under G.S. ~~20-7-20-35~~, and the conviction report sent to the Division must  
10          indicate that the person is to be so treated."

11          (g) Effective December 1, 1996, G.S. 20-50.4 reads as rewritten:

12       "**§ 20-50.4. Division to refuse to register vehicles on which taxes are ~~delinquent.~~**  
13               **delinquent and when there is a failure to meet court-ordered child support**  
14               **obligations.**

15          Upon receiving the list of motor vehicle owners and motor vehicles sent by county tax  
16          collectors pursuant to G.S. 105-330.7 or a report from a child support enforcement  
17          agency that sanctions pursuant to G.S. 110-142.2(a)(3) have been imposed, the Division  
18          shall refuse to register for the owner named in the list any vehicle identified in the list  
19          until the vehicle owner presents the Division with a paid tax receipt identifying the  
20          vehicle for which registration was ~~refused~~refused or, if the owner was on the report  
21          furnished by a child support enforcement agency, the Division shall refuse to register a  
22          vehicle for the owner until such time as the Division receives certification pursuant to  
23          G.S. 110-142.2.

24          The Division shall not refuse to register a vehicle for a person, not named in the list,  
25          to whom the vehicle has been transferred in good faith. Where a motor vehicle owner  
26          named in the list has transferred the registration plates from the motor vehicle identified  
27          in the list to another motor vehicle pursuant to G.S. 20-64 during the first vehicle's tax  
28          year, the Division shall refuse registration of the second vehicle until the vehicle owner  
29          presents the Division with a paid tax receipt identifying the vehicle from which the plates  
30          were transferred."

31          (h) G.S. 20-179.3(k) reads as rewritten:

32          "(k) Copy of Limited Driving Privilege to Division; Action Taken if Privilege  
33          Invalid. – The clerk of court or the child support enforcement agency must send a copy of  
34          any limited driving privilege issued in the county to the Division. A limited driving  
35          privilege that is not authorized by this section, G.S. 20-16.2(e1), ~~or G.S. 20-16.1, 20-16.1,~~  
36          50-13.12, or 110-142.2, or that does not contain the limitations required by law, is  
37          invalid. If the limited driving privilege is invalid on its face, the Division must  
38          immediately notify the court and the holder of the privilege that it considers the privilege  
39          void and that the Division records will not indicate that the holder has a limited driving  
40          privilege."

41          (i) G.S. 150B-3 reads as rewritten:

42       "**§ 150B-3. Special provisions on licensing.**

1 (a) When an applicant or a licensee makes a timely and sufficient application for  
2 issuance or renewal of a license or occupational license, including the payment of any  
3 required license fee, the existing license or occupational license does not expire until a  
4 decision on the application is finally made by the agency, and if the application is denied  
5 or the terms of the new license or occupational license are limited, until the last day for  
6 applying for judicial review of the agency order. This subsection does not affect agency  
7 action summarily suspending a license or occupational license under subsections (b) and  
8 (c) of this section.

9 (b) Before the commencement of proceedings for the suspension, revocation,  
10 annulment, withdrawal, recall, cancellation, or amendment of any license other than an  
11 occupational license, the agency shall give notice to the licensee, pursuant to the  
12 provisions of G.S. 150B-23. Before the commencement of such proceedings involving an  
13 occupational license, the agency shall give notice pursuant to the provisions of G.S.  
14 150B-38. In either case, the licensee shall be given an opportunity to show compliance  
15 with all lawful requirements for retention of the license or occupational license.

16 (c) If the agency finds that the public health, safety, or welfare requires emergency  
17 action and incorporates this finding in its order, summary suspension of a license or  
18 occupational license may be ordered effective on the date specified in the order or on  
19 service of the certified copy of the order at the last known address of the licensee,  
20 whichever is later, and effective during the proceedings. The proceedings shall be  
21 promptly commenced and determined.

22 Nothing in this subsection shall be construed as amending or repealing any special  
23 statutes, in effect prior to February 1, 1976, which provide for the summary suspension of  
24 a license.

25 (d) This section does not apply to revocations of occupational licenses based  
26 solely on a court order of child support delinquency or a Department of Human  
27 Resources determination of child support delinquency issued pursuant to G.S. 110-142,  
28 110-142.1, 110-142.2."

29 TITLE II. CLARIFICATION OF THE DUTIES AND RESPONSIBILITIES OF THE  
30 CHILD SUPPORT ENFORCEMENT PROGRAM AS IT RELATES TO  
31 MODIFICATION OF CHILD SUPPORT ORDERS AND LOCATING ABSENT  
32 PARENTS.

33 Sec. 3. G.S. 110-130.1 reads as rewritten:

34 "**§ 110-130.1. Non-AFDC services.**

35 (a) All child support collection and paternity determination services provided  
36 under this Article to recipients of public assistance shall be made available to any  
37 individual not receiving public assistance in accordance with federal law and as  
38 contractually authorized by the nonrecipient, upon proper application and payment of a  
39 nonrefundable application fee of ten dollars (\$10.00).

40 (b) Repealed by Session Laws 1989, c. 490.

41 (b1) In cases in which a public assistance debt which accrued pursuant to G.S. 110-  
42 135 remains unrecovered, support payments shall be transmitted to the Department of  
43 Human Resources for appropriate distribution. When services are terminated and all costs

1 and any public assistance debts have been satisfied, the support payment shall be  
2 redirected to the client.

3 (c) ~~Actions or proceedings to establish or enforce~~ establish, enforce, or modify a  
4 duty of support or establish paternity as initiated under this Article shall be brought in the  
5 name of the county or State agency on behalf of the public assistance recipient or  
6 nonrecipient client. Collateral disputes between a custodial parent and noncustodial  
7 parent, involving visitation, custody and similar issues, shall be considered only in  
8 separate proceedings from actions initiated under this Article. The attorney representing  
9 the designated representative of programs under Title IV-D of the Social Security Act  
10 shall be deemed attorney of record only for proceedings under this Article, and not for  
11 such the separate proceedings. No attorney/client relationship shall be considered to have  
12 been created between the attorney who represents the child support enforcement agency  
13 and any person by virtue of the action of the attorney in providing the services required.

14 (c1) The Department is hereby authorized to use the electronic and print media in  
15 attempting to locate absent and deserting parents. Due diligence must be taken to ensure  
16 that the information used is accurate or has been verified. Print media shall be under no  
17 obligation or duty, except that of good faith, to anyone to verify the correctness of any  
18 information furnished to it by the Department or county departments of social services.

19 (d) Any fee imposed by the North Carolina Department of Revenue or the  
20 Secretary of the Treasury to cover their costs of withholding for non-AFDC arrearages  
21 certified for the collection of past due support from State or federal income tax refunds  
22 shall be borne by the client by deducting the fee from the amount collected.

23 Any income tax refund offset amounts which are subsequently determined to have  
24 been incorrectly withheld and distributed to a client, and which must be refunded by the  
25 State to a responsible parent or the nondebtor spouse, shall constitute a debt to the State  
26 owed by the client."

27 TITLE III. CLARIFICATION OF THE AUTHORITY OF THE DEPARTMENT OF  
28 HUMAN RESOURCES TO ACCESS FINANCIAL INFORMATION ON ABSENT  
29 PARENTS FOR THE ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS.

30 Sec. 4. G.S. 110-139 is amended by adding the following new subsections to  
31 read:

32 "(d) Notwithstanding any other provision of law making this information  
33 confidential, including Chapter 53B of the General Statutes, any utility company or  
34 financial institution, including federal, State, commercial, or savings banks, savings and  
35 loan associations and cooperative banks, federal or State chartered credit unions, benefit  
36 associations, insurance companies, safe deposit companies, money market mutual funds,  
37 and investment companies doing business in this State or incorporated under the laws of  
38 this State shall provide the Department of Human Resources with the following  
39 information upon certification by the Department that the information is needed to locate  
40 a parent for the purpose of collecting child support or to establish or enforce an order for  
41 child support: full name, social security number, address, telephone number, account  
42 numbers, and other identifying data for any person who maintains an account at the  
43 utility company or financial institution. A utility company or financial institution that



1 discloses information pursuant to this subsection in good faith reliance upon certification  
2 by the Department is not liable for damages resulting from the disclosure.

3 (e) Subsection (d) of this section shall not apply to telecommunication utilities or  
4 providers of electronic communication service to the general public."

5 TITLE IV. CLARIFICATION AND MAKING UNIFORM THE ABILITY OF  
6 PARENTS OF LEGITIMATE CHILDREN TO ENTER INTO VOLUNTARY  
7 SUPPORT AGREEMENTS.

8 Sec. 5. G.S. 110-133 reads as rewritten:

9 **"§ 110-133. Agreements of support.**

10 In lieu of or in conclusion of any legal proceeding instituted to obtain support from a  
11 responsible parent for a dependent child born of the marriage, from the responsible parent,  
12 a written agreement to support ~~said~~the child by periodic payments executed by the  
13 responsible parent when acknowledged before a certifying officer or notary public or the  
14 equivalent or corresponding person of the state, ~~territory~~territory, or foreign country  
15 where the acknowledgment is made and filed with and approved by a judge of the district  
16 court in the county where the ~~mother~~custodial parent of the child resides or is found, or in  
17 the county where the ~~father~~noncustodial parent resides or is found, or in the county where  
18 the child resides or is found shall have the same force and effect, retroactively and  
19 prospectively, in accordance with the terms of ~~said~~the agreement, as an order of support  
20 entered by the court, and shall be enforceable and subject to modification in the same  
21 manner as is provided by law for orders of the court in such cases."

22 TITLE V. INSURER'S DUTY TO ASCERTAIN ANY PAST-DUE CHILD SUPPORT  
23 OBLIGATION BEFORE PAYING INSURANCE SETTLEMENT.

24 Sec. 6. (a) Effective July 1, 1996, Article 9 of Chapter 44 of the General  
25 Statutes is amended by adding the following new section to read:

26 **"§ 44-49.1. Lien created for payment of past-due child support obligations.**

27 (a) In the event that the Department of Human Resources or any other obligee, as  
28 defined in G.S. 110-129, provides written notification to an insurance company  
29 authorized to issue policies of insurance pursuant to this Chapter that a claimant or  
30 beneficiary under a contract of insurance owes past-due child support and accompanies  
31 this information with a certified copy of the court order ordering support together with  
32 proof that the claimant or beneficiary is past due in meeting this obligation, there is  
33 created a lien upon any insurance proceeds in favor of the Department or obligee. This  
34 section shall apply only in those instances in which there is a nonrecurring payment of a  
35 lump-sum amount equal to or in excess of three thousand dollars (\$3,000) or periodic  
36 payments with an aggregate amount that equals or exceeds three thousand dollars  
37 (\$3,000)."

38 (b) Effective July 1, 1996, G.S. 44-50 reads as rewritten:

39 **"§ 44-50. Receiving person charged with duty of retaining funds for purpose stated;**  
40 **evidence; attorney's fees; charges.**

41 Such a lien as provided for in G.S. 44-49 or G.S. 44-49.1 shall also attach upon all  
42 funds paid to any person in compensation for or settlement of the said injuries, whether in  
43 litigation or otherwise; and it shall be the duty of any person receiving the same before

1 disbursement thereof to retain out of any recovery or any compensation so received a  
2 sufficient amount to pay the just and bona fide claims for such drugs, medical supplies,  
3 ambulance service and medical attention and/or hospital service, and past-due child  
4 support obligations, after having received and accepted notice thereof: Provided, that  
5 evidence as to the amount of such charges shall be competent in the trial of any such  
6 action: Provided, further, that nothing herein contained shall be construed so as to  
7 interfere with any amount due for attorney's services: Provided, further, that the lien  
8 hereinbefore provided for shall in no case, exclusive of attorneys' fees, exceed fifty  
9 percent (50%) of the amount of ~~damages-moneys~~ recovered."

10 TITLE VI. REPEAL OF THE UNIFORM RECIPROCAL ENFORCEMENT OF  
11 SUPPORT ACT AND ENACTMENT OF THE UNIFORM INTERSTATE FAMILY  
12 SUPPORT ACT.

13 Sec. 7. (a) Effective January 1, 1996, Chapter 52A of the General Statutes is repealed.

14 (b) The repeal of the Uniform Reciprocal Enforcement of Support Act under  
15 subsection (a) of this section does not affect pending actions, rights, duties, or liabilities  
16 based on the Act, nor does it alter, discharge, release, or extinguish any penalty,  
17 forfeiture, or liability incurred under the Act. After the effective date of this act, all laws  
18 repealed shall be treated as remaining in full force and effect for the purpose of sustaining  
19 any pending or vested right as of the effective date of this act and for the enforcement of  
20 rights, duties, penalties, forfeitures, and liabilities under the repealed laws.

21 (c) Effective January 1, 1996, the General Statutes are amended by adding the  
22 following new Chapter to read:

23 **"CHAPTER 52C.**

24 **"UNIFORM INTERSTATE FAMILY SUPPORT ACT.**

25 **"ARTICLE 1.**

26 **"GENERAL PROVISIONS.**

27 **"§ 52C-1-100. Short title.**

28 This Chapter may be cited as the Uniform Interstate Family Support Act.

29 **"§ 52C-1-101. Definitions.**

30 As used in this Article, unless the context clearly requires otherwise, the term:

- 31 (1) 'Child' means an individual, whether over or under the age of majority,  
32 who is or is alleged to be owed a duty of support by the individual's  
33 parent or who is or is alleged to be the beneficiary of a support order  
34 directed to the parent.
- 35 (2) 'Child support order' means a support order for a child, including a child  
36 who has attained the age of majority under the law of the issuing state.
- 37 (3) 'Duty of support' means an obligation imposed or imposable by law to  
38 provide support for a child, spouse, or former spouse, including an  
39 unsatisfied obligation to provide support.
- 40 (4) 'Home state' means the state in which a child lived with a parent or a  
41 person acting as parent for at least six consecutive months immediately  
42 preceding the time of filing of a petition or comparable pleading for  
43 support and, if a child is less than six-months old, the state in which the

- 1 child lived from birth with any of them. A period of temporary absence  
2 of any of them is counted as part of the six-month or other period.
- 3 (5) 'Income' includes earnings or other periodic entitlements to money from  
4 any source and any other property subject to withholding for support  
5 under the law of this State.
- 6 (6) 'Income-withholding order' means an order or other legal process  
7 directed to a payer of income to withhold support from the income of  
8 the obligor.
- 9 (7) 'Initiating state' means a state in which a proceeding under this Act or a  
10 law substantially similar to this Act, the Uniform Reciprocal  
11 Enforcement of Support Act, or the Revised Uniform Reciprocal  
12 Enforcement of Support Act is filed for forwarding to a responding  
13 state.
- 14 (8) 'Initiating tribunal' means the authorized tribunal in an initiating state.
- 15 (9) 'Issuing state' means the state in which a tribunal issues a support order  
16 or renders a judgment determining parentage.
- 17 (10) 'Issuing tribunal' means the tribunal that issues a support order or  
18 renders a judgment determining parentage.
- 19 (11) 'Law' includes decisional and statutory law and rules and regulations  
20 having the force of law.
- 21 (12) 'Obligee' means:
- 22 (i) An individual to whom a duty of support is or is alleged to be  
23 owed or in whose favor a support order has been issued or a  
24 judgment determining parentage has been rendered;
- 25 (ii) A state or political subdivision to which the rights under a duty  
26 of support or support order have been assigned or which has  
27 independent claims based on financial assistance provided to an  
28 individual obligee; or
- 29 (iii) An individual seeking a judgment determining  
30 parentage of the individual's child.
- 31 (13) 'Obligor' means an individual, or the estate of a decedent:
- 32 (i) Who owes or is alleged to owe a duty of support;
- 33 (ii) Who is alleged but has not been adjudicated to be a parent of a  
34 child; or
- 35 (iii) Who is liable under a support order.
- 36 (14) 'Register' means to file a support order or judgment determining  
37 paternity in the appropriate location for the recording or filing of foreign  
38 judgments generally or foreign support orders specifically.
- 39 (15) 'Registering tribunal' means a tribunal in which a support order is  
40 registered.
- 41 (16) 'Responding state' means a state to which a proceeding is forwarded  
42 under this Act or a law substantially similar to this Act, the Uniform

1 Reciprocal Enforcement of Support Act, or the Revised Uniform  
2 Reciprocal Enforcement of Support Act.

3 (17) 'Responding tribunal' means the authorized tribunal in a responding  
4 state.

5 (18) 'Spousal-support order' means a support order for a spouse or former  
6 spouse of the obligor.

7 (19) 'State' means a state of the United States, the District of Columbia, the  
8 Commonwealth of Puerto Rico, or any territory or insular possession  
9 subject to the jurisdiction of the United States. The term 'state' includes  
10 an Indian tribe and includes a foreign jurisdiction that has established  
11 procedures for issuance and enforcement of support orders which are  
12 substantially similar to the procedures under this Chapter.

13 (20) 'Support enforcement agency' means a public official or agency  
14 authorized to seek enforcement of support orders or duties of support, to  
15 seek establishment or modification of child support, to seek  
16 determination of paternity, or to locate obligors or their assets.

17 (21) 'Support order' means a judgment, decree, or order, whether temporary,  
18 final, or subject to modification, for the benefit of a child, a spouse, or a  
19 former spouse, which provides for monetary support, health care,  
20 arrears, or reimbursement, and may include related costs and fees,  
21 interest, income withholding, attorneys' fees, and other relief.

22 (22) 'Tribunal' means a court, administrative agency, or quasi-judicial entity  
23 authorized to establish, enforce, or modify support orders or to  
24 determine paternity, except that, for matters heard in this State, tribunal  
25 means the General Court of Justice, District Court Division.

26 **"§ 52C-1-102. District court has jurisdiction under this Act.**

27 The General Court of Justice, District Court Division is the court authorized to hear  
28 matters under this Act.

29 **"§ 52C-1-103. Remedies.**

30 Remedies provided by this Act are cumulative and do not affect the availability of  
31 remedies under other law.

32 **"ARTICLE 2.**

33 **"JURISDICTION.**

34 **"PART 1. EXTENDED PERSONAL JURISDICTION.**

35 **"§ 52C-2-201. Bases for jurisdiction over nonresident.**

36 In a proceeding to establish, enforce, or modify a support order or to determine  
37 parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident  
38 individual or the individual's guardian or conservator if:

39 (1) The individual is personally served with a summons and complaint  
40 within this State;

41 (2) The individual submits to the jurisdiction of this State by consent, by  
42 entering a general appearance, or by filing a responsive document  
43 having the effect of waiving any contest to personal jurisdiction;

- 1           (3)    The individual resided with the child in this State;
- 2           (4)    The individual resided in this State and provided prenatal expenses or  
3           support for the child;
- 4           (5)    The child resides in this State as a result of the acts or directives of the  
5           individual;
- 6           (6)    The individual engaged in sexual intercourse in this State and the child  
7           may have been conceived by that act of intercourse;
- 8           (7)    The individual asserted paternity in an affidavit which has been filed  
9           with the clerk of superior court; or
- 10          (8)    There is any other basis consistent with the constitutions of this State  
11          and the United States for the exercise of personal jurisdiction.

12 **"§ 52C-2-202. Procedure when exercising jurisdiction over nonresident.**

13        A court of this State exercising personal jurisdiction over a nonresident under G.S.  
14 52C-2-201 may apply G.S. 52C-3-315 to receive evidence from another state, and G.S.  
15 52C-3-317 to obtain discovery through a tribunal of another state. In all other respects,  
16 Articles 3 through 7 of this Chapter do not apply and the tribunal shall apply the  
17 procedural and substantive law of this State, including the rules on choice of law other  
18 than those established by this Chapter.

19 **"PART 2. PROCEEDINGS INVOLVING TWO OR MORE STATES.**

20 **"§ 52C-2-203. Initiating and responding tribunal of this State.**

21        Under this Chapter, a tribunal of this State may serve as an initiating tribunal to  
22 forward proceedings to another state and as a responding tribunal for proceedings  
23 initiated in another state.

24 **"§ 52C-2-204. Simultaneous proceedings in another state.**

25        (a)    A tribunal of this State may exercise jurisdiction to establish a support order if  
26 the petition or comparable pleading is filed after a petition or comparable pleading is filed  
27 in another state only if:

- 28           (1)    The petition or comparable pleading in this State is filed before the  
29           expiration of the time allowed in the other state for filing a responsive  
30           pleading challenging the exercise of jurisdiction by the other state;
- 31           (2)    The contesting party timely challenges the exercise of jurisdiction in the  
32           other state; and
- 33           (3)    If relevant, this State is the home state of the child.

34        (b)    A tribunal of this State may not exercise jurisdiction to establish a support  
35 order if the petition or comparable pleading is filed before a petition or comparable  
36 pleading is filed in another state if:

- 37           (1)    The petition or comparable pleading in the other state is filed before the  
38           expiration of the time allowed in this State for filing a responsive  
39           pleading challenging the exercise of jurisdiction by this State;
- 40           (2)    The contesting party timely challenges the exercise of jurisdiction in  
41           this State; and
- 42           (3)    If relevant, the other state is the home state of the child.

43 **"§ 52C-2-205. Continuing, exclusive jurisdiction.**

1       (a) A tribunal of this State issuing a support order consistent with the law of this  
2 State has continuing, exclusive jurisdiction over a child support order:

3           (1) As long as this State remains the residence of the obligor, the individual  
4 obligee, or the child for whose benefit the support order is issued; or

5           (2) Until each individual party has filed written consent with the tribunal of  
6 this State for a tribunal of another state to modify the order and assume  
7 continuing, exclusive jurisdiction.

8       (b) A tribunal of this State issuing a child support order consistent with the law of  
9 this State may not exercise its continuing jurisdiction to modify the order if the order has  
10 been modified by a tribunal of another state pursuant to a law substantially similar to this  
11 Chapter.

12       (c) If a child support order of this State is modified by a tribunal of another state  
13 pursuant to a law substantially similar to this Chapter, a tribunal of this State loses its  
14 continuing, exclusive jurisdiction with regard to prospective enforcement of the order  
15 issued in this State, and may only:

16           (1) Enforce the order that was modified as to amounts accruing before the  
17 modification;

18           (2) Enforce nonmodifiable aspects of that order; and

19           (3) Provide other appropriate relief for violations of that order which  
20 occurred before the effective date of the modification.

21       (d) A tribunal of this State shall recognize the continuing, exclusive jurisdiction of  
22 a tribunal of another state which has issued a child support order pursuant to a law  
23 substantially similar to this Chapter.

24       (e) A temporary support order issued ex parte or pending resolution of a  
25 jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing  
26 tribunal.

27       (f) A tribunal of this State issuing a support order consistent with the law of this  
28 State has continuing, exclusive jurisdiction over a spousal support order throughout the  
29 existence of the support obligation. A tribunal of this State may not modify a spousal  
30 support order issued by a tribunal of another state having continuing, exclusive  
31 jurisdiction over that order under the law of that state.

32 **"§ 52C-2-206. Enforcement and modification of support order by tribunal having**  
33 **continuing jurisdiction.**

34       (a) A tribunal of this State may serve as an initiating tribunal to request a tribunal  
35 of another state to enforce or modify a support order issued in that state.

36       (b) A tribunal of this State having continuing, exclusive jurisdiction over a support  
37 order may act as a responding tribunal to enforce or modify the order. If a party subject  
38 to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing  
39 state, in subsequent proceedings the tribunal may apply G.S. 52C-3-315 to receive  
40 evidence from another state and G.S. 52C-3-317 to obtain discovery through a tribunal of  
41 another state.

1 (c) A tribunal of this State which lacks continuing, exclusive jurisdiction over a  
2 spousal support order may not serve as a responding tribunal to modify a spousal support  
3 order of another state.

4 **"PART 3. RECONCILIATION WITH ORDERS OF OTHER STATES.**

5 **"§ 52C-2-207. Recognition of child support orders.**

6 (a) If a proceeding is brought under this Chapter, and one or more child support  
7 orders have been issued in this or another state with regard to an obligor and a child, a  
8 tribunal of this State shall apply the following rules in determining which order to  
9 recognize for purposes of continuing, exclusive jurisdiction:

10 (1) If only one tribunal has issued a child support order, the order of that  
11 tribunal must be recognized.

12 (2) If two or more tribunals have issued child support orders for the same  
13 obligor and child, and only one of the tribunals would have continuing,  
14 exclusive jurisdiction under this Chapter, the order of that tribunal must  
15 be recognized.

16 (3) If two or more tribunals have issued child support orders for the same  
17 obligor and child, and more than one of the tribunals would have  
18 continuing, exclusive jurisdiction under this Chapter, an order issued by  
19 a tribunal in the current home state of the child must be recognized, but  
20 if an order has not been issued in the current home state of the child, the  
21 order most recently issued must be recognized.

22 (4) If two or more tribunals have issued child support orders for the same  
23 obligor and child, and none of the tribunals would have continuing,  
24 exclusive jurisdiction under this Chapter, the tribunal of this State may  
25 issue a child support order, which must be recognized.

26 (b) The tribunal that has issued an order recognized under subsection (a) of this  
27 section is the tribunal having continuing, exclusive jurisdiction.

28 **"§ 52C-2-208. Multiple child support orders for two or more obligees.**

29 In responding to multiple registrations or petitions for enforcement of two or more  
30 child support orders in effect at the same time with regard to the same obligor and  
31 different individual obligees, at least one of which was issued by a tribunal of another  
32 state, a tribunal of this State shall enforce those orders in the same manner as if the  
33 multiple orders had been issued by a tribunal of this State.

34 **"§ 52C-2-209. Credit for payments.**

35 Amounts collected and credited for a particular period pursuant to a support order  
36 issued by a tribunal of another state must be credited against the amounts accruing or  
37 accrued for the same period under a support order issued by the tribunal of this State.

38 **"ARTICLE 3.**

39 **"CIVIL PROVISIONS OF GENERAL APPLICATION.**

40 **"§ 52C-3-301. Proceedings under this Chapter.**

41 (a) Except as otherwise provided in this Chapter, this Article applies to all  
42 proceedings under this Chapter.

43 (b) This Chapter provides for the following proceedings:

- 1           (1) Establishment of an order for spousal support or child support pursuant  
2 to Article 4 of this Chapter;
- 3           (2) Enforcement of a support order and income withholding order of  
4 another state without registration pursuant to Article 5 of this Chapter;
- 5           (3) Registration of an order for spousal support or child support of another  
6 state or enforcement pursuant to Article 6 of this Chapter;
- 7           (4) Modification of an order for child support or spousal support issued by a  
8 tribunal of this State pursuant to Article 2, Part 2 of this Chapter;
- 9           (5) Registration of an order for child support of another state for  
10 modification pursuant to Article 6 of this Chapter;
- 11           (6) Determination of paternity pursuant to Article 7 of this Chapter; and
- 12           (7) Assertion of jurisdiction over nonresidents pursuant to Article 2, Part 1  
13 of this Chapter.

14           (c) An individual petitioner or a support enforcement agency may commence a  
15 proceeding authorized under this Chapter by filing a petition in an initiating tribunal for  
16 forwarding to a responding tribunal or by filing a petition or a comparable pleading  
17 directly in a tribunal of another state which has or can obtain personal jurisdiction over  
18 the respondent.

19 **"§ 52C-3-302. Action by minor parent.**

20           A minor parent, or a guardian or other legal representative of a minor parent, may  
21 maintain a proceeding on behalf of or for the benefit of the minor's child.

22 **"§ 52C-3-303. Application of law of this State.**

23           Except as otherwise provided by this Chapter, a responding tribunal of this State:

- 24           (1) Shall apply the procedural and substantive law, including the rules on  
25 choice of law, generally applicable to similar proceedings originating in  
26 this State and may exercise all powers and provide all remedies  
27 available in those proceedings; and
- 28           (2) Shall determine the duty of support and the amount payable in  
29 accordance with the law and support guidelines of this State.

30 **"§ 52C-3-304. Duties of initiating tribunal.**

31           Upon the filing of a petition authorized by this Chapter, an initiating tribunal of this  
32 State shall forward three copies of the petition and its accompanying documents:

- 33           (1) To the responding tribunal or appropriate support enforcement agency  
34 in the responding state; or
- 35           (2) If the identity of the responding tribunal is unknown, to the state  
36 information agency of the responding state with a request that they be  
37 forwarded to the appropriate tribunal and that receipt be acknowledged.

38 **"§ 52C-3-305. Duties and powers of responding tribunal.**

39           (a) When a responding tribunal of this State receives a petition or comparable  
40 pleading from an initiating tribunal or directly pursuant to G.S. 52C-3-301(c) it shall  
41 cause the petition or pleading to be filed and notify the petitioner by first-class mail  
42 where and when it was filed.



1       **(b)** A responding tribunal of this State, to the extent otherwise authorized by law,  
2 may do one or more of the following:

- 3           **(1)** Issue or enforce a support order, modify a child support order, or render  
4 a judgment to determine parentage;  
5           **(2)** Order an obligor to comply with a support order, specifying the amount  
6 and the manner of compliance;  
7           **(3)** Order income withholding;  
8           **(4)** Determine the amount of any arrears, and specify a method of payment;  
9           **(5)** Enforce orders by civil or criminal contempt, or both;  
10          **(6)** Set aside property for satisfaction of the support order;  
11          **(7)** Place liens and order execution on the obligor's property;  
12          **(8)** Order an obligor to keep the tribunal informed of the obligor's current  
13 residential address, telephone number, employer, address of  
14 employment, and telephone number at the place of employment;  
15          **(9)** Issue an order for arrest for an obligor who has failed after proper notice  
16 to appear at a hearing ordered by the tribunal and enter the order for  
17 arrest in any local and State computer systems for criminal warrants;  
18          **(10)** Order the obligor to seek appropriate employment by specified methods;  
19          **(11)** Award reasonable attorneys' fees and other fees and costs; and  
20          **(12)** Grant any other available remedy.

21       **(c)** A responding tribunal of this State shall include in a support order issued under  
22 this Chapter, or in the documents accompanying the order, the calculations on which the  
23 support order is based.

24       **(d)** A responding tribunal of this State may not condition the payment of a support  
25 order issued under this Chapter upon compliance by a party with provisions for visitation.

26       **(e)** If a responding tribunal of this State issues an order under this Chapter, the  
27 tribunal shall send a copy of the order by first-class mail to the petitioner and the  
28 respondent and to the initiating tribunal, if any.

29 **"§ 52C-3-306. Inappropriate tribunal.**

30 If a petition or comparable pleading is received by an inappropriate tribunal of this  
31 State, it shall forward the pleading and accompanying documents to an appropriate  
32 tribunal in this State or another state and notify the petitioner by first-class mail where  
33 and when the pleading was sent.

34 **"§ 52C-3-307. Duties of support enforcement agency.**

35       **(a)** A support enforcement agency of this State, upon request, shall provide  
36 services to a petitioner in a proceeding under this Chapter.

37       **(b)** A support enforcement agency that is providing services to the petitioner as  
38 appropriate shall:

- 39           **(1)** Take all steps necessary to enable an appropriate tribunal in this State or  
40 another state to obtain jurisdiction over the respondent;  
41           **(2)** Request an appropriate tribunal to set a date, time, and place for a  
42 hearing;

- 1           (3) Make a reasonable effort to obtain all relevant information, including  
2 information as to income and property of the parties;  
3           (4) Within two days, exclusive of Saturdays, Sundays, and legal holidays,  
4 after receipt of a written notice from an initiating, responding, or  
5 registering tribunal, send a copy of the notice by first-class mail to the  
6 petitioner;  
7           (5) Within two days, exclusive of Saturdays, Sundays, and legal holidays,  
8 after receipt of a written communication from the respondent or the  
9 respondent's attorney, send a copy of the communication by first-class  
10 mail to the petitioner; and  
11           (6) Notify the petitioner if jurisdiction over the respondent cannot be  
12 obtained.

13           (c) This Chapter does not create or negate a relationship of attorney and client or  
14 other fiduciary relationship between a support enforcement agency or the attorney for the  
15 agency and the individual being assisted by the agency.

16 **"§ 52C-3-308. Representation of obligee.**

17           It shall be the duty of the district attorney to represent the obligee in proceedings  
18 authorized by this Chapter unless alternative arrangements are made by the obligee. An  
19 obligee may employ private counsel to represent the obligee in proceedings authorized by  
20 this Chapter.

21 **"§ 52C-3-309. Duties of State information agency.**

22           (a) The Department of Human Resources, Division of Social Services, is  
23 designated as the State information agency under this Chapter.

24           (b) The State information agency shall:

- 25           (1) Compile and maintain a current list, including addresses, of the tribunals  
26 in this State which have jurisdiction under this Chapter and any support  
27 enforcement agencies in this State and transmit a copy to the state  
28 information agency of every other state;  
29           (2) Maintain a register of tribunals and support enforcement agencies  
30 received from other states;  
31           (3) Forward to the appropriate tribunal in the place in this State in which the  
32 individual obligee or the obligor resides, or in which the obligor's  
33 property is believed to be located, all documents concerning a  
34 proceeding under this Chapter received from an initiating tribunal or the  
35 state information agency of the initiating state; and  
36           (4) Obtain information concerning the location of the obligor and the  
37 obligor's property within this State not exempt from execution, by such  
38 means as postal verification and federal or state locator services,  
39 examination of telephone directories, requests for the obligor's address  
40 from employers, and examination of governmental records, including, to  
41 the extent not prohibited by other law, those relating to real property,  
42 vital statistics, law enforcement, taxation, motor vehicles, drivers  
43 licenses, and social security.

1 **"§ 52C-3-310. Pleadings and accompanying documents.**

2 (a) A petitioner seeking to establish or modify a support order or to determine  
3 parentage in a proceeding under this Chapter must verify the petition. Unless otherwise  
4 ordered under G.S. 52C-3-311, the petition or accompanying documents must provide, so  
5 far as known, the name, residential address, and social security numbers of the obligor  
6 and the obligee, and the name, sex, residential address, social security number, and date  
7 of birth of each child for whom support is sought. The petition must be accompanied by  
8 a certified copy of any support order in effect. The petition may include any other  
9 information that may assist in locating or identifying the respondent.

10 (b) The petition must specify the relief sought. The petition and accompanying  
11 documents must conform substantially with the requirements imposed by the forms  
12 mandated by federal law for use in cases filed by a support enforcement agency.

13 **"§ 52C-3-311. Nondisclosure of information in exceptional circumstances.**

14 Upon a finding, which may be made ex parte, that the health, safety, or liberty of a  
15 party or child would be unreasonably put at risk by the disclosure of identifying  
16 information, or if an existing order so provides, a tribunal shall order that the address of  
17 the child or party or other identifying information not be disclosed in a pleading or other  
18 document filed in a proceeding under this Chapter.

19 **"§ 52C-3-312. Costs and fees.**

20 (a) The petitioner shall not be required to pay a filing fee or other costs.

21 (b) If an obligee prevails, a responding tribunal may assess against an obligor  
22 filing fees, reasonable attorneys' fees, other costs, and necessary travel and other  
23 reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal  
24 may not assess fees, costs, or expenses against the obligee or the support enforcement  
25 agency of either the initiating or the responding state, except as provided by other law.  
26 Attorneys' fees may be taxed as costs, and may be ordered paid directly to the attorney,  
27 who may enforce the order in the attorney's own name. Payment of support owed to the  
28 obligee has priority over fees, costs, and expenses.

29 (c) The tribunal shall order the payment of costs and reasonable attorneys' fees if it  
30 determines that a hearing was requested primarily for delay. In a proceeding under  
31 Article 6 of this Chapter, a hearing is presumed to have been requested primarily for  
32 delay if a registered support order is confirmed or enforced without change.

33 **"§ 52C-3-313. Limited immunity of petitioner.**

34 (a) Participation by a petitioner in a proceeding before a responding tribunal,  
35 whether in person, by private attorney, or through services provided by the support  
36 enforcement agency, does not confer personal jurisdiction over the petitioner in another  
37 proceeding.

38 (b) A petitioner is not amenable to service of civil process while physically present  
39 in this State to participate in a proceeding under this Chapter.

40 (c) The immunity granted by this section does not extend to civil litigation based  
41 on acts unrelated to a proceeding under this Chapter committed by a party while present  
42 in this State to participate in the proceeding.

43 **"§ 52C-3-314. Nonparentage as defense.**

1 A party whose parentage of a child has been previously determined by or pursuant to  
2 law may not plead nonparentage as a defense to a proceeding under this Chapter.

3 **§ 52C-3-315. Special rules of evidence and procedure.**

4 (a) The physical presence of the petitioner in a responding tribunal of this State is  
5 not required for the establishment, enforcement, or modification of a support order or the  
6 rendition of a judgment determining parentage.

7 (b) A verified petition, affidavit, document substantially complying with federally  
8 mandated forms, and a document incorporated by reference in any of them, not excluded  
9 under the hearsay rule if given in person, is admissible in evidence if given under oath by  
10 a party or witness residing in another state.

11 (c) A copy of the record of child support payments certified as a true copy of the  
12 original by the custodian of the record may be forwarded to a responding tribunal. The  
13 copy is evidence of facts asserted in it and is admissible to show whether payments were  
14 made.

15 (d) Copies of bills for testing for parentage, and for prenatal and postnatal health  
16 care of the mother and child, furnished to the adverse party at least 10 days before trial,  
17 are admissible in evidence to prove the amount of the charges billed and that the charges  
18 were reasonable, necessary, and customary.

19 (e) Documentary evidence transmitted from another state to a tribunal of this State  
20 by telephone, telecopier, or other means that do not provide an original writing may not  
21 be excluded from evidence on an objection based on the means of transmission.

22 (f) In a proceeding under this Chapter, a tribunal of this State may permit a party  
23 or witness residing in another state to be deposed or to testify by telephone, audiovisual  
24 means, or other electronic means at a designated tribunal or other location in that state. A  
25 tribunal of this State shall cooperate with tribunals of other states in designating an  
26 appropriate location for the deposition or testimony.

27 (g) If a party called to testify at a civil hearing refuses to answer on the ground that  
28 the testimony may be self-incriminating, the trier of fact may draw an adverse inference  
29 from the refusal.

30 (h) A privilege against disclosure of communication between spouses does not  
31 apply in a proceeding under this Chapter.

32 (i) The defense of immunity based on the relationship of husband and wife or  
33 parent and child does not apply in a proceeding under this Chapter.

34 **§ 52C-3-316. Communications between tribunals.**

35 A tribunal of this State may communicate with a tribunal of another state in writing,  
36 or by telephone or other means, to obtain information concerning the laws of that state,  
37 the legal effect of a judgment, decree, or order of that tribunal, and the status of a  
38 proceeding in the other state. A tribunal of this State may furnish similar information by  
39 similar means to a tribunal of another state.

40 **§ 52C-3-317. Assistance with discovery.**

41 A tribunal of this State may request a tribunal of another state to assist in obtaining  
42 discovery, and upon request, may compel a person over whom it has jurisdiction to  
43 respond to a discovery order issued by a tribunal of another state.

1 **"§ 52C-3-318. Receipt and disbursement of payments.**

2 A support enforcement agency or tribunal of this State shall disburse promptly any  
3 amounts received pursuant to a support order, as directed by the order. The agency or  
4 tribunal shall furnish to a requesting party or tribunal of another state a certified statement  
5 by the custodian of the record of the amounts and dates of all payments received.

6 **"ARTICLE 4.**

7 **"ESTABLISHMENT OF SUPPORT ORDER.**

8 **"§ 52C-4-401. Petition to establish support order.**

9 (a) If a support order entitled to recognition under this Chapter has not been  
10 issued, a responding tribunal of this State may issue a support order if:

11 (1) The individual seeking the order resides in another state; or

12 (2) The support enforcement agency seeking the order is located in another  
13 state.

14 (b) The tribunal may issue a temporary child support order if:

15 (1) The respondent has signed a verified statement acknowledging  
16 parentage;

17 (2) The respondent has been determined by or pursuant to law to be the  
18 parent; or

19 (3) There is other clear and convincing evidence that the respondent is the  
20 child's parent.

21 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a  
22 duty of support, the tribunal shall issue a support order directed to the obligor and may  
23 issue other orders pursuant to G.S. 52C-3-305.

24 **"ARTICLE 5.**

25 **"DIRECT ENFORCEMENT OF ORDER**  
26 **OF ANOTHER STATE WITHOUT REGISTRATION.**

27 **"§ 52C-5-501. Recognition of income-withholding order of another state.**

28 (a) An income-withholding order issued in another state may be sent by first-class  
29 mail to the person or entity defined or identified as the obligor's employer under the  
30 income-withholding provisions of Chapter 50 or Chapter 110 of the General Statutes, as  
31 applicable, without first filing a petition or comparable pleading or registering the order  
32 with a tribunal of this State. Upon receipt of the order, the employer shall:

33 (1) Treat an income-withholding order issued in another state which  
34 appears regular on its face as if it had been issued by a tribunal of this  
35 State;

36 (2) Immediately provide a copy of the order to the obligor; and

37 (3) Distribute the funds as directed in the withholding order.

38 (b) An obligor may contest the validity or enforcement of an income-withholding  
39 order issued in another state in the same manner as if the order had been issued by a  
40 tribunal of this State. G.S. 52C-6-604 applies to the contest. The obligor shall give  
41 notice of the contest to any support enforcement agency providing services to the obligee  
42 and to:

1           (1) The person or agency designated to receive payments in the income-  
2           withholding order; or

3           (2) If no person or agency is designated, the obligee.

4 **"§ 52C-5-502. Administrative enforcement of orders.**

5           (a) A party seeking to enforce a support order or an income-withholding order, or  
6 both, issued by a tribunal of another state may send the documents required for  
7 registering the order to a support enforcement agency of this State.

8           (b) Upon receipt of the documents, the support enforcement agency, without  
9 initially seeking to register the order, shall consider and, if appropriate, use any  
10 administrative procedure authorized by the law of this State to enforce a support order or  
11 an income-withholding order, or both. If the obligor does not contest administrative  
12 enforcement, the order need not be registered. If the obligor contests the validity or  
13 administrative enforcement of the order, the support enforcement agency shall register  
14 the order pursuant to this Chapter.

15 **"ARTICLE 6.**

16 **"ENFORCEMENT AND MODIFICATION**  
17 **OF SUPPORT ORDER AFTER REGISTRATION.**

18 **"PART 1. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER.**

19 **"§ 52C-6-601. Registration or order for enforcement.**

20 A support order or an income-withholding order issued by a tribunal of another state  
21 may be registered in this State for enforcement.

22 **"§ 52C-6-602. Procedure to register order for enforcement.**

23           (a) A support order or income-withholding order of another state may be  
24 registered in this State by sending the following documents and information to the  
25 tribunal for the county in which the obligor resides in this State:

26           (1) A letter of transmittal to the tribunal requesting registration and  
27 enforcement;

28           (2) Two copies, including one certified copy, of all orders to be registered,  
29 including any modification of an order;

30           (3) A sworn statement by the party seeking registration or a certified  
31 statement by the custodian of the records showing the amount of any  
32 arrearage;

33           (4) The name of the obligor and, if known:

34           (i) The obligor's address and social security number;

35           (ii) The name and address of the obligor's employer and another  
36 other source of income of the obligor; and

37           (iii) A description and the location of property of the obligor  
38 in this State not exempt from execution; and

39           (5) The name and address of the obligee and, if applicable, the agency or  
40 person to whom support payments are to be remitted.

41           (b) On receipt of a request for registration, the registering tribunal shall cause the  
42 order to be filed as a foreign order, together with one copy of the documents and  
43 information, regardless of their form.

1 (c) A petition or comparable pleading seeking a remedy that must be affirmatively  
2 sought under other law of this State may be filed at the same time as the request for  
3 registration or later. The pleading must specify the grounds for the remedy sought.

4 **"§ 52C-6-603. Effect of registration for enforcement.**

5 (a) A support order or income-withholding order issued in another state is  
6 registered when the order is filed in the registering tribunal of this State.

7 (b) A registered order issued in another state is enforceable in the same manner  
8 and is subject to the same procedures as an order issued by a tribunal of this State.

9 (c) Except as otherwise provided in this Article, a tribunal of this State shall  
10 recognize and enforce, but may not modify, a registered order if the issuing tribunal had  
11 jurisdiction.

12 **"§ 52C-6-604. Choice of law.**

13 (a) The law of the issuing state governs the nature, extent, amount, and duration of  
14 current payments and other obligations of support and the payment of arrears under the  
15 order.

16 (b) In a proceeding for arrears, the statute of limitations under the laws of this  
17 State or of the issuing state, whichever is longer, applies.

18 **"PART 2. CONTEST OF VALIDITY OR ENFORCEMENT.**

19 **"§ 52C-6-605. Notice of registration of order.**

20 (a) When a support order or income-withholding order issued in another state is  
21 registered, the registering tribunal shall notify the nonregistering party. Notice must be  
22 given by first-class, certified, or registered mail or by any means of personal service  
23 authorized by the law of this State. The notice must be accompanied by a copy of the  
24 registered order and the documents and relevant information accompanying the order.

25 (b) The notice must inform the nonregistering party:

26 (1) That a registered order is enforceable as of the date of registration in the  
27 same manner as an order issued by a tribunal of this State;

28 (2) That a hearing to contest the validity or enforcement of the registered  
29 order must be requested within 20 days after the date of mailing or  
30 personal service of the notice;

31 (3) That failure to contest the validity or enforcement of the registered order  
32 in a timely manner will result in confirmation of the order and  
33 enforcement of the order and the alleged arrears and precludes further  
34 contest of that order with respect to any matter that could have been  
35 asserted; and

36 (4) Of the amount of any alleged arrears.

37 (c) Upon registration of an income-withholding order for enforcement, the  
38 registering tribunal shall notify the obligor's employer pursuant to the income-  
39 withholding provisions of Chapter 50 or Chapter 110 of the General Statutes, as  
40 applicable.

41 **"§ 52C-6-606. Procedure to contest validity or enforcement of registered order.**

42 (a) A nonregistering party seeking to contest the validity or enforcement of a  
43 registered order in this State shall request a hearing within 20 days after the date of

1 mailing or personal service of notice of the registration. The nonregistering party may  
2 seek to vacate the registration, to assert any defense to an allegation of noncompliance  
3 with the registered order, or to contest the remedies being sought or the amount of any  
4 alleged arrears pursuant to G.S. 52C-6-607.

5 (b) If the nonregistering party fails to contest the validity or enforcement of the  
6 registered order in a timely manner, the order is confirmed by operation of law.

7 (c) If a nonregistering party requests a hearing to contest the validity or  
8 enforcement of the registered order, the registering tribunal shall schedule the matter for  
9 hearing and give notice to the parties by first-class mail of the date, time, and place of the  
10 hearing.

11 **"§ 52C-6-607. Contest of registration or enforcement.**

12 (a) A party contesting the validity or enforcement of a registered order or seeking  
13 to vacate the registration has the burden of proving one or more of the following  
14 defenses:

15 (1) The issuing tribunal lacked personal jurisdiction over the contesting  
16 party;

17 (2) The order was obtained by fraud;

18 (3) The order has been vacated, suspended, or modified by a later order;

19 (4) The issuing tribunal has stayed the order pending appeal;

20 (5) There is a defense under the law of this State to the remedy sought;

21 (6) Full or partial payment has been made; or

22 (7) The statute of limitations under G.S. 52C-6-604 precludes enforcement  
23 of some or all of the arrears.

24 (b) If a party presents evidence establishing a full or partial defense under  
25 subsection (a) of this section, a tribunal may stay enforcement of the registered order,  
26 continue the proceeding to permit production of additional relevant evidence, and issue  
27 other appropriate orders. An uncontested portion of the registered order may be enforced  
28 by all remedies available under the law of this State.

29 (c) If the contesting party does not establish a defense under subsection (a) of this  
30 section to the validity or enforcement of the order, the registering tribunal shall issue an  
31 order confirming the order.

32 **"§ 52C-6-608. Confirmed order.**

33 Confirmation of a registered order, whether by operation of law or after notice and  
34 hearing, precludes further contest of the order with respect to any matter that could have  
35 been asserted at the time of registration.

36 **"PART 3. REGISTRATION AND MODIFICATION OF CHILD SUPPORT**  
37 **ORDER.**

38 **"§ 52C-6-609. Procedure to register child support order of another state for**  
39 **modification.**

40 A party or support enforcement agency seeking to modify, or to modify and enforce, a  
41 child support order issued in another state shall register that order in this State in the same  
42 manner provided in Part 1 of this Article if the order has not been registered. A petition



1 for modification may be filed at the same time as a request for registration, or later. The  
2 pleading must specify the grounds for modification.

3 **"§ 52C-6-610. Effect of registration for modification.**

4 A tribunal of this State may enforce a child support order of another state registered  
5 for purposes of modification, in the same manner as if the order had been issued by a  
6 tribunal of this State, but the registered order may be modified only if the requirements of  
7 G.S. 52C-6-611 have been met.

8 **"§ 52C-6-611. Modification of child support order of another state.**

9 (a) After a child support order issued in another state has been registered in this  
10 State, the responding tribunal of this State may modify that order only if, after notice and  
11 hearing, it finds that:

12 (1) The following requirements are met:

13 (i) The child, the individual obligee, and the obligor do not reside in  
14 the issuing state;

15 (ii) A petitioner who is a nonresident of this State seeks  
16 modification; and

17 (iii) The respondent is subject to the personal jurisdiction of  
18 the tribunal of this State; or

19 (2) An individual party or the child is subject to the personal jurisdiction of  
20 the tribunal and all of the individual parties have filed a written consent  
21 in the issuing tribunal providing that a tribunal of this State may modify  
22 the support order and assume continuing, exclusive jurisdiction over the  
23 order.

24 (b) Modification of a registered child support order is subject to the same  
25 requirements, procedures, and defenses that apply to the modification of an order issued  
26 by a tribunal of this State, and the order may be enforced and satisfied in the same  
27 manner.

28 (c) A tribunal of this State may not modify any aspect of a child support order that  
29 may not be modified under the law of the issuing state.

30 (d) On issuance of an order modifying a child support order issued in another state,  
31 a tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

32 (e) Within 30 days after issuance of a modified child support order, the party  
33 obtaining the modification shall file a certified copy of the order with the issuing tribunal  
34 which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in  
35 which the party knows that the earlier order has been registered.

36 **"§ 52C-6-612. Recognition of order modified in another state.**

37 A tribunal of this State shall recognize a modification of its earlier child support order  
38 by a tribunal of another state which assumed jurisdiction pursuant to a law substantially  
39 similar to this Chapter and, upon request, except as otherwise provided in this Chapter,  
40 shall:

41 (1) Enforce the order that was modified only as to amounts accruing before  
42 the modification;

43 (2) Enforce only nonmodifiable aspects of that order;

- 1           (3) Provide other appropriate relief only for violations of that order which  
2           occurred before the effective date of the modification; and  
3           (4) Recognize the modifying order of the other state, upon registration, for  
4           the purpose of enforcement.

5   **"ARTICLE 7.**

6   **"DETERMINATION OF PARENTAGE.**

7           **"§ 52C-7-701. Proceeding to determine parentage.**

8           (a) A tribunal of this State may serve as an initiating or responding tribunal in a  
9           proceeding brought under this Chapter or a law substantially similar to this Chapter, the  
10           Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal  
11           Enforcement of Support Act to determine that the petitioner is a parent of a particular  
12           child or to determine that a respondent is a parent of that child.

13           (b) In a proceeding to determine parentage, a responding tribunal of this State shall  
14           apply the procedural and substantive law of this State and the rules of this State on choice  
15           of law.

16   **"ARTICLE 8.**

17   **"INTERSTATE RENDITION.**

18           **"§ 52C-8-801. Grounds for rendition.**

19           (a) For purposes of this Article, 'governor' includes an individual performing the  
20           functions of governor or the executive authority of a state covered by this Chapter.

21           (b) The Governor of this State may:

22                   (1) Demand that the governor of another state surrender an individual found  
23                   in the other state who is charged criminally in this State with having  
24                   failed to provide for the support of an obligee; or

25                   (2) On the demand by the governor of another state, surrender an individual  
26                   found in this State who is charged criminally in the other state with  
27                   having failed to provide for the support of an obligee.

28           (c) A provision for extradition of individuals not inconsistent with this Chapter  
29           applies to the demand even if the individual whose surrender is demanded was not in the  
30           demanding state when the crime was allegedly committed and has not fled therefrom.

31           **"§ 52C-8-802. Conditions of rendition.**

32           (a) Before making demand that the governor of another state surrender an  
33           individual charged criminally in this State with having failed to provide for the support of  
34           an obligee, the Governor of this State may require a prosecutor of this State to  
35           demonstrate that at least 60 days previously the obligee has initiated proceedings for  
36           support pursuant to this Chapter or that the proceeding would be of no avail.

37           (b) If, under this Chapter or a law substantially similar to this Chapter, the  
38           Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal  
39           Enforcement of Support Act, the governor of another state makes a demand that the  
40           Governor of this State surrender an individual charged criminally in that state with  
41           having failed to provide for the support of a child or other individual to whom a duty of  
42           support is owed, the governor may require a prosecutor to investigate the demand and  
43           report whether a proceeding for support has been initiated or would be effective. If it

1 appears that a proceeding would be effective but has not been initiated, the governor may  
2 delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3 (c) If a proceeding for support has been initiated and the individual whose  
4 rendition is demanded prevails, the governor may decline to honor the demand. If the  
5 petitioner prevails and the individual whose rendition is demanded is subject to a support  
6 order, the governor may decline to honor the demand if the individual is complying with  
7 the support order.

8 **"ARTICLE 9.**

9 **"MISCELLANEOUS PROVISIONS.**

10 **"§ 52C-9-901. Uniformity of application and construction.**

11 This Chapter shall be applied and construed to effectuate its general purpose to make  
12 uniform the law with respect to the subject of this Chapter among states enacting it.

13 **"§ 52C-9-902. Severability clause.**

14 If any provision of this Chapter or its application to any person or circumstance is  
15 held invalid, the invalidity does not affect other provisions or applications of this Chapter  
16 which can be given effect without the invalid provision or application, and to this end the  
17 provisions of this Chapter are severable."

18 (d) The Reviser of Statutes shall cause to be printed separate from this act all  
19 relevant portions of the official comments to the Uniform Interstate Family Support Act  
20 as the Reviser deems appropriate.

21 (e) This section is effective upon ratification.

22 Sec. 8. Except as otherwise provided, this act becomes effective January 1,  
23 1996, and applies to child support owed on or after that date. Where otherwise provided,  
24 the applicability is to child support owed on or after the particular effective date  
25 specified.