

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH70452-LU-118 (04/10)

Short Title: Child Support Enforcement/Attorney's Fees. (Public)

Sponsors: Representative Luebke.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY CHILD SUPPORT ENFORCEMENT LAWS AS RELATED  
TO ATTORNEY'S FEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 50-13.6 reads as rewritten:

**"§ 50-13.6. Counsel fees in actions for custody and support of minor children.**

(a) In an action or proceeding for the custody or support, or both, of a minor child, including a motion in the cause for the modification or revocation of an existing order for custody or support, or both, the court may in its discretion order payment of reasonable attorney's fees to an interested party acting in good faith who has insufficient means to defray the expense of the suit. Before ordering payment of a fee in a support action, the court must find as a fact that the party ordered to furnish support has refused to provide support which is adequate under the circumstances existing at the time of the institution of the action or proceeding; provided however, should the court find as a fact that the supporting party has initiated a frivolous action or proceeding the court may order payment of reasonable attorney's fees to an interested party as deemed appropriate under the circumstances.

(b) Notwithstanding subsection (a) of this section, the court may, in its discretion, order payment of reasonable attorney's fees to the attorney for an interested party acting in good faith, regardless of the party's means or whether the attorney has actually been paid or will be paid by the party, if the court finds all of the following:

(1) The party ordered to furnish support has been delinquent by at least 30 days from the date the attorney initiated the action;

(2) The attorney has rendered reasonably competent service in child support enforcement; and

1           (3) The attorney's actions have resulted in, or are likely to result in,  
2           material improvement in compliance with the court's orders regarding  
3           child support."

4           **SECTION 2.** This act becomes effective October 1, 2007, and applies to  
5 actions or proceedings for child support on or after that date.