

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SENATE BILL 488
RATIFIED BILL

AN ACT TO AMEND THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA) AND TO MAKE CHANGES TO THE ADMINISTRATION OF CHILD SUPPORT SERVICES THAT WILL RESULT IN MORE EFFECTIVE AND EFFICIENT COLLECTION AND PAYMENT OF CHILD SUPPORT TO FAMILIES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 52C of the General Statutes reads as rewritten:

"Chapter 52C.

"Uniform Interstate Family Support Act.

"Article 1.

"General Provisions.

...
"§ 52C-1-101. Definitions.

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

- (1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.
- (2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing ~~state; state~~ or foreign country.
- (2a) "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.
- (2b) "Department" means the North Carolina Department of Health and Human Services, Division of Social Services.
- (3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.
- (3a) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:
 - a. Which has been declared under the law of the United States to be a foreign reciprocating country;
 - b. Which has established a reciprocal arrangement for child support with this State as provided in G.S. 52C-3-308;
 - c. Which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this Chapter; or
 - d. In which the Convention is in force with respect to the United States.
- (3b) "Foreign support order" means a support order of a foreign tribunal.
- (3c) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.
- (4) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable



- pleading for support and, if a child is less than six-months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.
- (5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.
- (6) "Income-withholding order" means an order or other legal process directed to ~~a payer of income~~ an obligor's employer, other debtor, or payor as defined under Chapter 110 of the General Statutes, to withhold support from the income of the obligor.
- (7) ~~"Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this Act or a law or procedure substantially similar to this Act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~
- (8) "Initiating tribunal" means the ~~authorized tribunal in an initiating state~~ tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.
- (8a) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.
- (9) "Issuing state" means the state in which a tribunal issues a support order or ~~renders a judgment determining parentage~~ parentage of a child.
- (10) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or renders a judgment determining parentage of a child.
- (11) "Law" includes decisional and statutory law and rules and regulations having the force of law.
- (12) "Obligee" means:
- a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage of a child has been rendered; issued;
 - b. A ~~state~~ foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual ~~obligee; or obligee in place of child support;~~
 - c. An individual seeking a judgment determining parentage of the individual's ~~child~~ child; or
 - d. A person that is a creditor in a proceeding under Article 7 of this Chapter.
- (13) "Obligor" means an ~~individual~~ individual who, or the estate of a ~~decedent~~ decedent that:
- a. ~~Who owes~~ Owes or is alleged to owe a duty of support;
 - b. ~~Who is~~ Is alleged but has not been adjudicated to be a parent of a child; ~~or~~
 - c. ~~Who is~~ Is liable under a support ~~order~~ order; or
 - d. Is a debtor in a proceeding under Article 7 of this Chapter.
- (13a) "Outside this State" means a location in another state or country other than the United States, whether or not the country is a foreign country.
- (13b) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (13c) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

- (14) "Register" means to file in a tribunal of this State a support order or judgment determining paternity in the appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically. parentage of a child issued in another state or a foreign country.
- (15) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.
- (16) "Responding state" means a state in which a ~~proceeding~~ petition or comparable pleading for support or to determine parentage of a child is filed or to which a proceeding petition or comparable pleading is forwarded for filing from an initiating state under this Act or a law or procedure substantially similar to this Act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act. another state or a foreign country.
- (17) "Responding tribunal" means the authorized tribunal in a responding ~~state.~~ state or a foreign country.
- (18) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.
- (19) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession ~~subject to~~ under the jurisdiction of the United States. The term includes: includes an Indian nation or tribe.
- a. ~~An Indian tribe; and~~
- b. ~~A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this Act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~
- (20) "Support enforcement agency" means a public ~~official~~ official, governmental entity, or private agency authorized to seek: to:
- a. ~~Enforcement~~ Seek enforcement of support orders or duties of support;
- b. ~~Establishment~~ Seek establishment or modification of child support;
- c. ~~Determination of parentage; or~~ Request determination of parentage of a child;
- d. ~~To Attempt~~ to locate obligors or their assets; assets; or
- e. Request determination of the controlling child support order.
- (21) "Support order" means a judgment, decree, ~~or~~ order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or a foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, ~~arrear, arrears,~~ arrearages, retroactive support, or reimbursement, and reimbursement for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorneys' fees, and other relief.
- (22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine ~~paternity, except that, for matters heard in this State, tribunal means the General Court of Justice, District Court~~ Division. parentage of a child.

"§ 52C-1-102. District court has jurisdiction under this Act. State tribunal and support enforcement agency.

(a) ~~The General Court of Justice, District Court~~ Division. ~~Division,~~ is the court ~~authorized to hear matters under this Act.~~ tribunal of this State.

(b) The Department and the county child support agencies under G.S. 110-141 are the support enforcement agencies of this State.

"§ 52C-1-103. Remedies. Remedies cumulative.

(a) Remedies provided by this ~~Act~~ Chapter are cumulative and do not affect the availability of remedies under other ~~law.~~ law or the recognition of a foreign support order on the basis of comity.

(b) This Chapter does not:

- (1) Provide the exclusive method of establishing or enforcing a support order under the law of this State; or
- (2) Grant a tribunal of this State jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this Chapter.

"§ 52C-1-104. Application of Chapter to resident of foreign country and foreign support proceeding.

(a) A tribunal of this State shall apply Articles 1 through 6 and, as applicable, Article 7 of this Chapter, to a support proceeding involving:

- (1) A foreign support order;
- (2) A foreign tribunal; or
- (3) An obligee, obligor, or child residing in a foreign country.

(b) A tribunal of this State that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Articles 1 through 6 of this Chapter.

(c) Article 7 of this Chapter applies only to a support proceeding under the Convention. In such a proceeding, if a provision of Article 7 is inconsistent with Articles 1 through 6 of this Chapter, Article 7 controls.

"Article 2.

"Jurisdiction.

~~"Part 1. Extended Personal Jurisdiction.~~

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

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

- (1) The individual is personally served with a summons and complaint within this State;
- (2) The individual submits to the jurisdiction of this State by ~~consent, consent in a record,~~ by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) The individual resided with the child in this State;
- (4) The individual resided in this State and provided prenatal expenses or support for the child;
- (5) The child resides in this State as a result of the acts or directives of the individual;
- (6) The individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse; or
- (7) ~~The individual asserted paternity in an affidavit which has been filed with the clerk of superior court; or~~
- (8) There is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of the State to modify a child support order of another state unless the requirements of G.S. 52C-6-611 are met, or, in the case of a foreign support order, unless the requirements of G.S. 52C-6-615 are met.

"§ 52C-2-202. ~~Procedure when exercising jurisdiction over nonresident.~~Duration of personal jurisdiction.

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

Personal jurisdiction acquired by a tribunal of this State in a proceeding under this Chapter or other law of this State relating to a support order continues as long as a tribunal of this State has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by G.S. 52C-2-205, 52C-2-206, and 52C-2-211.

~~"Part 2. Proceedings Involving Two or More States.~~

"§ 52C-2-203. Initiating and responding tribunal of state.

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

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

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

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

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

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

"§ 52C-2-205. Continuing, exclusive jurisdiction, jurisdiction to modify child support order.

(a) A tribunal of this State ~~issuing that has issued~~ a child support order consistent with the law of this State has ~~and shall exercise continuing, exclusive jurisdiction over a to modify its child support order; order if the order is the controlling order and:~~

- (1) ~~As long as this State remains~~At the time of the filing of a request for modification, this State is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
- (2) ~~Until all of the parties who are individuals have filed written consents with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction. Even if this State is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify its order.~~

(b) A tribunal of this State ~~issuing that has issued~~ a child support order consistent with the law of this State may not exercise ~~its continuing~~ continuing, exclusive jurisdiction to modify the order ~~if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this Chapter, if:~~

- (1) All of the parties who are individuals file consent in a record with the tribunal of this State that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify that order and assume continuing, exclusive jurisdiction; or
- (2) Its order is not the controlling order.

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

- (1) ~~Enforce the order that was modified as to amounts accruing before the modification;~~
- (2) ~~Enforce nonmodifiable aspects of that order; and~~
- (3) ~~Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.~~

(d) ~~A tribunal of this State shall recognize the continuing, exclusive jurisdiction of~~ a tribunal of another state ~~which has issued a child support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to this Chapter that Act that~~ modifies a child support order of a tribunal of this State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(d1) A tribunal of this State that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

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

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

~~"§ 52C-2-206. Enforcement and modification of support order by tribunal having continuing jurisdiction.~~ **Continuing jurisdiction to enforce child support order.**

(a) ~~A tribunal of this State that has issued a child support order consistent with the law of this State may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.~~ enforce:

(1) The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or

(2) A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

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

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

~~"Part 3. Reconciliation of Multiple Orders.~~

~~"§ 52C-2-207. Recognition~~ **Determination of controlling child support order.**

(a) ~~If a proceeding is brought under this Chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.~~

(b) ~~If a proceeding is brought under this Chapter, and two or more child support orders have been issued by tribunals of this State or another state~~ State, another state, or a foreign country with regard to the same obligor and same child, a tribunal of this State having personal jurisdiction over both the obligor and individual obligee shall apply the following rules in determining and by order shall determine which order to recognize for purposes of continuing, exclusive jurisdiction; controls and must be recognized:

(1) ~~If only one of the tribunals would have continuing, exclusive jurisdiction under this Chapter, the order of that tribunal controls and must be so recognized.~~ controls.

(2) ~~If more than one of the tribunals would have continuing, exclusive jurisdiction under this Chapter,~~ Chapter:

a. ~~An order issued by a tribunal in the current home state of the child controls and must be so recognized, but if~~ controls; or

b. If an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

(3) ~~If none of the tribunals would have continuing, exclusive jurisdiction under this Chapter, the tribunal of this State having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.~~ controls.

(c) ~~If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this State, same child, upon request of a party may request who is an individual or that is a support enforcement agency, a tribunal of this to State having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls and must be so recognized under subsection (b) of this section. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by a certified copy of every support order in the effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination. The request may be filed with a registration for enforcement or registration for modification pursuant to Article 6 of this Chapter or may be filed as a separate proceeding.~~

(c1) A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

~~(d) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this section is the tribunal that has continuing, exclusive jurisdiction under G.S. 52C-2-205 to the extent provided in G.S. 52C-2-205 or G.S. 52C-2-206.~~

~~(e) A tribunal of this State which that determines by order the identity of which is the controlling order under subdivision (b)(1) or (2) or subsection (c) of this section section, or which that issues a new controlling order under subdivision (b)(3) of this section section, shall state in that order the order:~~

- ~~(1) The basis upon which the tribunal made its determination-determination;~~
- ~~(2) The amount of the prospective support, if any; and~~
- ~~(3) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by G.S. 52C-2-209.~~

~~(f) Within 30 days after issuance of an order determining the identity of which is the controlling order, the party obtaining the order shall file a certified copy of it with the order in each tribunal that issued or registered an earlier order of child support. A party who obtains or support enforcement agency obtaining the order and that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.~~

~~(g) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this Chapter.~~

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

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

"§ 52C-2-209. Credit for payments.

~~Amounts collected and credited~~A tribunal of this State shall credit amounts collected for a particular period pursuant to a support order any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this State this State, another state, or a foreign country.

"§ 52C-2-210. Application of this Chapter to nonresident subject to personal jurisdiction.

A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this Chapter, under other law of this State relating to a support order, or recognizing a foreign support order may receive evidence from outside this State pursuant to G.S. 52C-3-316, communicate with a tribunal outside this State pursuant to G.S. 52C-3-317, and obtain discovery through a tribunal outside this State pursuant to G.S. 52C-3-318. In all other respects, Articles 3 through 6 of this Chapter do not apply and the tribunal shall apply the procedural and substantive law of this State.

"§ 52C-2-211. Continuing, exclusive jurisdiction to modify spousal support order.

(a) A tribunal of this State issuing a spousal support order consistent with the law of this State has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

(b) A tribunal of this State may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

(c) A tribunal of this State that has continuing, exclusive jurisdiction over a spousal support order may serve as:

- (1) An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this State; or
- (2) A responding tribunal to enforce or modify its own spousal support order.

"Article 3.

"Civil Provisions of General Application.

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

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

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

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

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

"§ 52C-3-302. ~~Action~~ Proceeding by minor parent.

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

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

Except as otherwise provided ~~by~~ in this Chapter, a responding tribunal of this State shall:

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

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

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

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

(b) ~~If a responding state has not enacted this act or a law or procedure substantially similar to this act,~~ requested by the responding tribunal, a tribunal of this State ~~may~~ shall issue a certificate or other document and make findings required by the law of the responding state. If the responding ~~State tribunal is in a foreign jurisdiction,~~ tribunal may ~~country,~~ upon request, the tribunal of this State shall specify the amount of support sought, ~~convert that amount~~

into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state-foreign tribunal.

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

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

(b) A responding tribunal of this State, to the extent ~~otherwise authorized~~ not prohibited by law, may do one or more of the following:

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

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

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

(e) If a responding tribunal of this State issues an order under this Chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

(f) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this State shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

"§ 52C-3-306. Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this State, ~~it~~ the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal ~~in this or another state~~ and notify the petitioner where and when the pleading was sent.

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

(a) ~~A support enforcement agency of this State, upon request, shall provide services to a petitioner in a proceeding under this Chapter.~~ In a proceeding under this Chapter, a support enforcement agency of this State, upon request, shall provide the following:

- (1) Services to a petitioner residing in a state.
- (2) Services to a petitioner requesting services through a central authority of a foreign country as described in G.S. 52C-1-102(3a)a. or d.

A support enforcement agency of this State may provide services to a petitioner who is an individual not residing in a state.

(b) A support enforcement agency of this State that is providing services to the petitioner ~~as appropriate~~ shall:

- (1) Take all steps necessary to enable an appropriate tribunal in this State or another state of this State, another state, or a foreign country to obtain jurisdiction over the respondent;

- (2) Request an appropriate tribunal to set a date, time, and place for a hearing;
- (3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
- (4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a ~~written~~ notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;
- (5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a ~~written~~ communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and
- (6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(b1) A support enforcement agency of this State that requests registration of a child support order in this State for enforcement or for modification shall make reasonable efforts to:

- (1) Ensure that the order to be registered is the controlling order; or
- (2) If two or more child support orders exist and the identity of the controlling order has not been determined, ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(b2) A support enforcement agency of this State that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(b3) A support enforcement agency of this State shall issue or request a tribunal of this State to issue a child support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to G.S. 52C-3-318.

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

"§ 52C-3-308. ~~Representation of obligee.~~Duty of Department.

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

(a) If the Department determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Department may order the agency to perform its duties under this Chapter or may provide those services directly to the individual.

(b) The Department may determine that a foreign country has established a reciprocal arrangement for child support with this State and take appropriate action for notification of the determination.

"§ 52C-3-308.1. Private counsel.

An individual may employ private counsel to represent the individual in proceedings authorized by this Chapter.

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

~~(a) The Department of Health and Human Services, Division of Social Services, is designated as the~~ is the State information agency under this Chapter.

(b) The State information agency shall:

- (1) Compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this Chapter and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state;
- (2) Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;
- (3) Forward to the appropriate tribunal in the ~~place~~ county in this State in which the ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this Chapter received from ~~an initiating tribunal or the state information agency of the initiating state;~~ another state or a foreign country; and
- (4) Obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as

postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, drivers licenses, and social security.

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

(a) ~~A~~ In a proceeding under this Chapter, a petitioner seeking to establish or modify a support order or a support order, to determine parentage in a proceeding under this Chapter of a child, or to register and modify a support order of a tribunal of another state or a foreign country must verify the file a petition. Unless otherwise ordered under G.S. 52C-3-311, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the ~~obligee, obligee or the parent and alleged parent,~~ and the name, sex, residential address, social security number, and date of birth of each child for ~~whom whose benefit support is sought, sought or whose parentage is to be determined.~~ The ~~Unless filed at the time of registration, the petition must be accompanied by a certified copy of any support order in effect, known to have been issued by another tribunal.~~ The petition may include any other information that may assist in locating or identifying the respondent.

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

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

~~Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this Chapter. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.~~

"§ 52C-3-312. Costs and fees.

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

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

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

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

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

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

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

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

(a) ~~The physical presence of the petitioner in a responding~~ a nonresident party who is an individual in a tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage-parentage of a child.

(b) ~~A verified petition, An~~ affidavit, a document substantially complying with federally mandated forms, and or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under oath-penalty of perjury by a party or witness residing in another state-outside this State.

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

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

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

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

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

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

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

(j) A voluntary acknowledgement of paternity, certified as a true copy, is admissible to establish parentage of the child.

"§ 52C-3-316. Communications between tribunals.

A tribunal of this State may communicate with a tribunal of another state-outside this State in writing, or by telephone a record or by telephone, electronic mail, or other means, to obtain information concerning the laws of that state,laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state-proceeding. A tribunal of this State may furnish similar information by similar means to a tribunal of another state-outside this State.

"§ 52C-3-317. Assistance with discovery.

A tribunal of this State may request may:

- (1) Request a tribunal of another state-outside this State to assist in obtaining discovery,discovery; and
- (2) upon-Upon request, may compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state-outside this State.

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

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

(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this State, upon request from the support enforcement agency of this State or another state, the support enforcement agency of this State or a tribunal of this State shall:

- (1) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

- (2) Issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of this State receiving redirected payments from another state pursuant to a law similar to subsection (b) of this section shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

"Article 4.

"Establishment of Support Order-Order or Determination of Parentage.

"§ 52C-4-401. ~~Petition to establish~~Establishment of support order.

(a) If a support order entitled to recognition under this Chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

- (1) The individual seeking the order resides ~~in another state;~~ outside this State;
or
(2) The support enforcement agency seeking the order is located ~~in another state;~~ outside this State.

(b) The tribunal may issue a temporary child support order ~~if~~ if the tribunal determines that such an order is appropriate and the individual ordered to pay is any of the following:

- (1) ~~The respondent has signed a verified statement acknowledging parentage;~~ A presumed father of the child.
(2) ~~The respondent has been determined by or pursuant to law to be the parent;~~ or ~~Petitioning to have his paternity adjudicated.~~
(3) ~~There is other clear and convincing evidence that the respondent is the child's parent.~~ Identified as the father of the child through genetic testing.
(4) An alleged father who has declined to submit to genetic testing.
(5) Shown by clear and convincing evidence to be the father of the child.
(6) An acknowledged father as provided by Chapter 110 of the General Statutes.
(7) The mother of the child.
(8) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

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

"§ 52C-4-402. Proceeding to determine parentage.

A tribunal of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this Chapter or a law or procedure substantially similar to this Chapter.

"Article 5.

"Enforcement of Order of Another State Without Registration.

"§ 52C-5-501. Employer's receipt of income-withholding order of another state.

(a) An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person ~~or entity~~ defined or identified as the obligor's employer or payor under the income-withholding provisions of Chapter 50 or Chapter 110 of the General Statutes, as applicable, without first filing a petition or comparable pleading or registering the order with a tribunal of this State. ~~In the event that an obligor is receiving unemployment compensation benefits from the Division of Employment Security (DES) in accordance with G.S. 96-17, an income withholding order issued in another state may be sent to the DES without first filing a petition or comparable pleading or registering the order with a tribunal of this State. Upon receipt of the order, the employer or the DES shall:~~

- (1) ~~Treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State;~~
(2) ~~Immediately provide a copy of the order to the obligor; and~~
(3) ~~Distribute the funds as directed in the withholding order. The DES shall not withhold an amount to exceed twenty five percent (25%) of the unemployment compensation benefits.~~

(b) Repealed by Session Laws 1997-433, s. 10.8.

"§ 52C-5-502. Employer's compliance with income-withholding order of another state.

(a) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

(c) Except as otherwise provided in subsection (d) of this section and G.S. 52C-5-503, the employer shall withhold and distribute the funds as directed in the income-withholding order by complying with terms of the order which specify:

- (1) The duration and amount of periodic payments of current child support, stated as a sum certain;
- (2) The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded;
- (3) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;
- (4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and
- (5) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

- (1) The employer's fee for processing an income-withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income; and
- (3) The times within which the employer must implement the income-withholding order and forward the child support payment.

"§ 52C-5-503. ~~Compliance with multiple~~Employer's compliance with two or more income-withholding orders.

If an obligor's employer receives ~~multiple two or more~~ income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for ~~multiple two or more~~ child support obligees.

"§ 52C-5-504. Immunity from civil liability.

An employer ~~who that~~ complies with an income-withholding order issued in another state in accordance with this Article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

"§ 52C-5-505. Penalties for noncompliance.

An employer ~~who that~~ willfully fails to comply with an income-withholding order issued by in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State.

"§ 52C-5-506. Contest by obligor.

(a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State by registering the order in a tribunal of this State and filing a contest to that order as provided in Article 6 of this Chapter, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this State. G.S. 52C-6-604 applies to the contest.

(b) The obligor shall give notice of the contest to:

- (1) A support enforcement agency providing services to the obligee;
- (2) Each employer that has directly received an income-withholding ~~order;~~order relating to the obligor; and
- (3) The person ~~or agency~~ designated to receive payments in the income-withholding order or, if no person or agency is designated, to the obligee.

"§ 52C-5-507. Administrative enforcement of orders.

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

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

"Article 6.

~~"Enforcement-Registration, Enforcement, and Modification of Support Order After
Registration-Order.~~

"Part 1. Registration ~~and for~~ Enforcement of Support Order.

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

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

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

(a) ~~A~~ ~~Except as otherwise provided in G.S. 52C-7-706,~~ a support order or income-withholding order of another state or a foreign support order may be registered in this State by sending the following ~~documents and information~~ records to the appropriate tribunal ~~for the county in which the obligor resides in this State:~~

- (1) A letter of transmittal to the tribunal requesting registration and enforcement;
- (2) Two copies, including one certified copy, of ~~all orders~~ the order to be registered, including any modification of ~~an~~ the order;
- (3) A sworn statement by the ~~party seeking~~ person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (4) The name of the obligor and, if known:
 - a. The obligor's address and social security number;
 - b. The name and address of the obligor's employer and ~~another~~ any other source of income of the obligor; and
 - c. A description and the location of property of the obligor in this State not exempt from execution; and
- (5) ~~The~~ Except as otherwise provided in G.S. 52C-3-311, the name and address of the obligee and, if applicable, the ~~agency or~~ person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as ~~a~~ an order of another state or a foreign support order, together with one copy of the documents and information, regardless of their form.

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

(d) If two or more orders are in effect, the person requesting registration shall do each of the following:

- (1) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section.
- (2) Specify the order alleged to be the controlling order, if any.
- (3) Specify the amount of consolidated arrears, if any.

(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

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

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

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

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

"§ 52C-6-604. Choice of law.

(a) ~~The~~ Except as otherwise provided in subsection (d) of this section, the law of the issuing state or foreign country governs all of the following:

- (1) The nature, extent, amount, and duration of current payments and other obligations of support and the under a registered support order.
- (2) The computation and payment of ~~arrears~~ arrearages and accrual of interest on the arrearages under the ~~order~~ support order.
- (3) The existence and satisfaction of other obligations under the support order.

(b) In a proceeding for ~~arrears~~, arrears under a registered support order, the statute of limitations under the laws of this State, or of the issuing state, state or foreign country, whichever is longer, applies.

(c) A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this State.

(d) After a tribunal of this State or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this State shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

"Part 2. Contest of Validity ~~of~~ or Enforcement.

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

(a) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this State shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) ~~The~~ A notice must inform the nonregistering party:

- (1) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State.
- (2) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after ~~notice~~; notice, unless the registered order is under G.S. 52C-7-707;
- (3) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged ~~arrears and precludes further contest of that order with respect to any matter that could have been asserted~~; arrearages; and
- (4) Of the amount of any alleged ~~arrears~~; arrearages.

(b1) If the registering party asserts that two or more orders are in effect, a notice must also do each of the following:

- (1) Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any.
- (2) Notify the nonregistering party of the right to a determination of which is the controlling order.
- (3) State that the procedures provided in subsection (b) of this section apply to the determination of which is the controlling order.
- (4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

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

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

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this State shall request a hearing within 20 days after notice of the registration, the time required by G.S. 52C-6-605. The nonregistering party may seek to vacate the registration, to

assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrears pursuant to G.S. 52C-6-607.

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

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

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

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

- (1) The issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) The order was obtained by fraud;
- (3) The order has been vacated, suspended, or modified by a later order;
- (4) The issuing tribunal has stayed the order pending appeal;
- (5) There is a defense under the law of this State to the remedy sought;
- (6) Full or partial payment has been made; ~~or~~
- (7) The statute of limitations under G.S. 52C-6-604 precludes enforcement of some or all of the ~~arrears-alleged arrearages~~; or
- (8) The alleged controlling order is not the controlling order.

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

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

"§ 52C-6-608. Confirmed order.

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

~~"Part. 3. Registration and Modification of Child Support Order-Order of Another State.~~

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

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this State in the same manner provided in ~~Part 1 of this Article~~ G.S. 52C-6-601 through G.S. 52C-6-608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

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

A tribunal of this State may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered support order may be modified only if the requirements of G.S. 52C-6-611 or G.S. 52C-6-613 have been met.

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

(a) ~~After~~ If G.S. 52C-6-613 does not apply, upon petition, a tribunal of this State may modify a child support order issued in another state has been which is registered in this State, the responding tribunal of this State may modify that order only if G.S. 52C-6-613 does not apply and State if, after notice and hearing it hearing, the tribunal finds that:

- (1) The following requirements are met:
 - a. ~~The~~ Neither the child, nor the individual obligee, obligee who is an individual, and the obligor do not reside nor the obligor resides in the issuing state;
 - b. A petitioner who is a nonresident of this State seeks modification; and
 - c. The respondent is subject to the personal jurisdiction of the tribunal of this State; or
- (2) ~~The~~ This State is the residence of the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this State and all of

~~the parties who are individuals have filed a written consent~~consents in a record in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this act, the consent otherwise required of an individual residing in this State is not required for the tribunal to assume jurisdiction to modify the child support order.~~jurisdiction.~~

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

(c) A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under G.S. 52C-2-207 establishes the aspects of the support order which are nonmodifiable.

(c1) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this State.

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

(d1) Notwithstanding subsections (a) through (d) of this section and G.S. 52C-2-201(b), a tribunal of this State retains jurisdiction to modify an order issued by a tribunal of this State if:

- (1) One party resides in another state; and
- (2) The other party resides outside the United States.

(e) Repealed by Session Laws 1997-443, s. 10.12.

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

~~A~~If a child support order issued by a tribunal of this State shall recognize a modification of its earlier child support order is modified by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this Chapter and, upon request, except as otherwise provided in this Chapter, shall: the Uniform Interstate Family Support Act, a tribunal of this State:

- (1) ~~Enforce the~~May enforce its order that was modified only as to amounts arrears and interest accruing before the modification;
- (2) ~~Enforce only nonmodifiable aspects of that order;~~
- (3) ~~Provide~~May provide other appropriate relief only for violations of that its order which occurred before the effective date of the modification; and
- (4) ~~Recognize~~Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

"§ 52C-6-613. Jurisdiction to modify child support order of another state when individual parties reside in this State.

(a) If all of the parties who are individuals reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(b) A tribunal of this State exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2 of this Chapter, this Article, and the procedural and substantive law of this State to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this Chapter do not apply.

...

"Part 4. Registration and Modification of Foreign Child Support Order.

"§ 52C-6-615. Jurisdiction to modify child support order of foreign country.

(a) Except as otherwise provided in G.S. 52C-7-711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to G.S. 52C-6-611 has been given

or whether the individual seeking modification is a resident of this State or of the foreign country.

(b) An order issued by a tribunal of this State modifying a foreign child support order pursuant to this section is the controlling order.

"§ 52C-6-616. Procedure to register child support order of foreign country for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the Convention may register that order in this State under G.S. 52C-6-601 through G.S. 52C-6-608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

"Article 7.

~~"Determination of Parentage Support Proceeding Under Convention.~~

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

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

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

As used in this Article:

- (1) "Application" means a request under the Convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.
- (2) "Central authority" means the entity designated by the United States or a foreign country described in G.S. 52C-1-101(3a)d. to perform the functions specified in the Convention.
- (3) "Convention support order" means a support order of a tribunal of a foreign country described in G.S. 52C-1-101(3a)d.
- (4) "Direct request" means a petition filed by an individual in a tribunal of this State in a proceeding involving an obligee, obligor, or child residing outside the United States.
- (5) "Foreign central authority" means the entity designated by a foreign country described in G.S. 52C-1-101(3a)d. to perform the functions specified in the Convention.
- (6) "Foreign support agreement" means an agreement for support in a record that:
 - a. Is enforceable as a support order in the country of origin;
 - b. Has been (i) formally drawn up or registered as an authentic instrument by a foreign tribunal or (ii) authenticated by or concluded, registered, or filed with a foreign tribunal; and
 - c. May be reviewed and modified by a foreign tribunal.The term includes a maintenance arrangement or authentic instrument under the Convention.
- (7) "United States central authority" means the Secretary of the United States Department of Health and Human Services.

"§ 52C-7-702. Applicability.

This Article applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this Article is inconsistent with Articles 1 through 6 of this Chapter, this Article controls.

"§ 52C-7-703. Relationship of Department to United States central authority.

The Department is recognized as the agency designated by the United States central authority to perform specific functions under the Convention.

"§ 52C-7-704. Initiation by Department of support proceeding under Convention.

- (a) In a support proceeding under this Article, the Department shall do the following:
 - (1) Transmit and receive applications.

(2) Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State.

(b) The following support proceedings are available to an obligee under the Convention:

(1) Recognition or recognition and enforcement of a foreign support order.

(2) Enforcement of a support order issued or recognized in this State.

(3) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child.

(4) Establishment of a support order if recognition of a foreign support order is refused under G.S. 52C-7-708(b)(2), (4), or (9).

(5) Modification of a support order of a tribunal of this State.

(6) Modification of a support order of a tribunal of another state or foreign country.

(c) The following support proceedings are available under the Convention to an obligor against which there is an existing support order:

(1) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State.

(2) Modification of a support order of a tribunal of this State.

(3) Modification of a support order of a tribunal of another state or a foreign country.

(d) A tribunal of this State may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the Convention.

"§ 52C-7-705. Direct request.

(a) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this State applies.

(b) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, G.S. 52C-7-706 through G.S. 52C-7-713 apply.

(c) In a direct request for recognition and enforcement of a Convention support order or foreign support agreement:

(1) A security, bond, or deposit is not required to guarantee the payment of costs and expenses; and

(2) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this State under the same circumstances.

(d) A petitioner filing a direct request is not entitled to assistance from the Department or the county child support agency.

(e) This Article does not prevent the application of laws of this State that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

"§ 52C-7-706. Registration of Convention support order.

(a) Except as otherwise provided in this Article, a party who is an individual or a support enforcement agency seeking recognition of a Convention support order shall register the order in this State as provided in Article 6 of this Chapter.

(b) Notwithstanding G.S. 52C-3-310 and G.S. 52C-6-602(a), a request for registration of a Convention support order must be accompanied by:

(1) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law;

(2) A record stating that the support order is enforceable in the issuing country;

(3) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

- (4) A record showing the amount of arrears, if any, and the date the amount was calculated;
- (5) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and
- (6) If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(c) A request for registration of a Convention support order may seek recognition and partial enforcement of the order.

(d) A tribunal of this State may vacate the registration of a Convention support order without the filing of a contest under G.S. 52C-7-707 only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(e) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a Convention support order.

"§ 52C-7-707. Contest of registered Convention support order.

(a) Except as otherwise provided in this Article, G.S. 52C-6-605 through G.S. 52C-6-608 apply to a contest of a registered Convention support order.

(b) A party contesting a registered Convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than 60 days after notice of the registration.

(c) If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection (b) of this section, the order is enforceable.

(d) A contest of a registered Convention support order may be based only on grounds set forth in G.S. 52C-7-708. The contesting party bears the burden of proof.

(e) In a contest of a registered Convention support order, a tribunal of this State:

- (1) Is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and
- (2) May not review the merits of the order.

(f) A tribunal of this State deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.

(g) A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.

"§ 52C-7-708. Recognition and enforcement of registered Convention support order.

(a) Except as otherwise provided in subsection (b) of this section, a tribunal of this State shall recognize and enforce a registered Convention support order.

(b) The following grounds are the only grounds on which a tribunal of this State may refuse recognition and enforcement of a registered Convention support order:

- (1) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.
- (2) The issuing tribunal lacked personal jurisdiction consistent with G.S. 52C-2-201.
- (3) The order is not enforceable in the issuing country.
- (4) The order was obtained by fraud in connection with a matter of procedure.
- (5) A record transmitted in accordance with G.S. 52C-7-706 lacks authenticity or integrity.
- (6) A proceeding between the same parties and having the same purpose is pending before a tribunal of this State and that proceeding was the first to be filed.
- (7) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this Chapter in this State.
- (8) Payment, to the extent alleged arrears have been paid in whole or in part.
- (9) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

- a. If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or
- b. If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.
- (10) The order was made in violation of G.S. 52C-7-711.
- (c) If a tribunal of this State does not recognize a Convention support order under subdivision (b)(2), (4), or (9) of this section, then:
 - (1) The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order; and
 - (2) The Department and the county child support agency shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under G.S. 52C-7-704.

"§ 52C-7-709. Partial enforcement.

If a tribunal of this State does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order.

"§ 52C-7-710. Foreign support agreement.

(a) Except as otherwise provided in subsections (c) and (d) of this section, a tribunal of this State shall recognize and enforce a foreign support agreement registered in this State.

(b) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by each of the following:

- (1) A complete text of the foreign support agreement.
- (2) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

(c) A tribunal of this State may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

(d) In a contest of a foreign support agreement, a tribunal of this State may refuse recognition and enforcement of the agreement if it finds any of the following:

- (1) Recognition and enforcement of the agreement is manifestly incompatible with public policy.
- (2) The agreement was obtained by fraud or falsification.
- (3) The agreement is incompatible with a support order involving the same parties and having the same purpose in this State, another state, or a foreign country if the support order is entitled to recognition and enforcement under this Chapter in this State.
- (4) The record submitted under subsection (b) of this section lacks authenticity or integrity.

(e) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

"§ 52C-7-711. Modification of Convention child support order.

(a) A tribunal of this State may not modify a Convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

- (1) The obligee submits to the jurisdiction of a tribunal of this State, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or
- (2) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(b) If a tribunal of this State does not modify a Convention child support order because the order is not recognized in this State, G.S. 52C-7-708(c) applies.

"§ 52C-7-712. Personal information; limit on use.

Personal information gathered or transmitted under this Article may be used only for the purposes for which it was gathered or transmitted.

"§ 52C-7-713. Record in original language; English translation.

A record filed with a tribunal of this State under this Article must be in the original language and, if not in English, must be accompanied by an English translation.

"Article 8.

"Interstate Rendition.

"§ 52C-8-801. Grounds for rendition.

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

(b) The Governor of this State may:

- (1) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or
- (2) On the demand ~~by~~ of the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

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

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

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

(b) If, under this Chapter or a law substantially similar to this ~~Chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act,~~Chapter, the governor of another state makes a demand that the Governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

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

"Article 9.

"Miscellaneous Provisions.

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

~~This Chapter shall be applied and construed to effectuate its general purpose to make uniform.~~In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to the its subject of this Chapter~~matter among states enacting that enact it.~~

"§ 52C-9-901.1. Transitional provision.

This Chapter applies to proceedings begun on or after the effective date of this Chapter to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

...."

SECTION 2. The Revisor of Statutes shall cause to be printed, as annotations to the published General Statutes, all relevant portions of the Official Comments to the Uniform Interstate Family Support Act, as amended, as the Revisor may deem appropriate.

SECTION 3. G.S. 110-130.1(d) reads as rewritten:

"(d) Any fee imposed by the North Carolina Department of Revenue or the Secretary of the Treasury to cover their costs of withholding for non-Work First arrearages certified for the collection of past due support from State or federal income tax refunds or administrative offsets, as defined by 31 C.F.R. § 285.1(a), shall be borne by the client by deducting the fee from the amount collected.

Any income tax refund offset amounts or administrative offsets, as defined by 31 C.F.R. § 285.1(a), which are subsequently determined to have been incorrectly withheld and distributed to a client, and which must be refunded by the State to a responsible parent or the nondebtor spouse, shall constitute a debt to the State owed by the client."

SECTION 4. G.S. 110-136.4 reads as rewritten:

"§ 110-136.4. Implementation of withholding in IV-D cases.

- (a) Withholding based on arrearages or obligor's request.
- (1) Advance notice of withholding. When an obligor in a IV-D case becomes subject to income withholding, the obligee shall, after verifying the obligor's current employer or other payor, wages or other disposable income, and mailing address, serve the obligor with advance notice of withholding in accordance with G.S. 1A-1, Rule 4, Rules of Civil Procedure.
 - (2) Contents of advance notice. The advance notice to the obligor shall contain, at a minimum, the following information:
 - a. Whether the proposed withholding is based on the obligor's failure to make legally obligated child support, alimony or postseparation support payments on the obligor's request for withholding, on the obligee's request for withholding, or on the obligor's eligibility for withholding under G.S. 110-136.3(b)(3);
 - b. The amount of overdue child support, overdue alimony or postseparation support payments, the total amount to be withheld, and when the withholding will occur;
 - c. The name of each child or person for whose benefit the child support, alimony or postseparation support payments are due and information sufficient to identify the court order under which the obligor has a duty to support the child, spouse, or former spouse;
 - d. The amount and sources of disposable income;
 - e. That the withholding will apply to the obligor's wages or other sources of disposable income from current payors and all subsequent payors once the procedures under this section are invoked;
 - f. An explanation of the obligor's rights and responsibilities pursuant to this section;
 - g. That withholding will be continued until terminated pursuant to G.S. 110-136.10.
 - (3) Contested withholding. The obligor may contest the withholding only on the basis of a mistake of fact, except that G.S. 110-129(10)(a) is not applicable if withholding is based on the obligor's or obligee's request for withholding. To contest the withholding, the obligor must, within 10 days of receipt of the advance notice of withholding, request a hearing in the county where the support order was entered before the district court and give notice to the obligee specifying the mistake of fact upon which the hearing request is based. If the asserted mistake of fact can be resolved by agreement between the obligee and the obligor, no hearing shall occur. Otherwise, a hearing shall be held and a determination made, within 30 days of the obligor's receipt of the advance notice of withholding, as to whether the asserted mistake of fact is valid. No withholding shall occur pending the hearing decision. The failure to hold a hearing within 30 days shall not invalidate an otherwise properly entered order. If it is determined that a mistake of fact exists, no withholding shall occur. Otherwise, within 45 days of the obligor's receipt of the advance notice of withholding, the obligee shall serve the payor, pursuant to G.S. 1A-1, Rule 5, Rules of Civil Procedure, or by electronic transmission in compliance with the federal Office of Child Support Enforcement (OCSE) electronic income withholding (e-IWO) procedures, with notice of his obligation to withhold, and shall mail a copy of such notice to the obligor and file a copy with the clerk. In the event of appeal, withholding shall not be stayed. If the appeal is concluded in favor of the obligor, the obligee shall promptly repay sums wrongfully withheld and notify the payor to cease withholding.

- (4) Uncontested withholding. If the obligor does not contest the withholding within the 10-day response period, the obligee shall serve the payor, pursuant to G.S. 1A-1, Rule 5, Rules of Civil Procedure, or by electronic transmission in compliance with the federal Office of Child Support Enforcement (OCSE) electronic income withholding (e-IWO) procedures, with notice of his obligation to withhold, and shall mail a copy of such notice to the obligor and file a copy with the clerk.
- (5) Payment not a defense to withholding. The payment of overdue support shall not be a basis for terminating or not implementing withholding.
- (6) Inability to implement withholding. When an obligor is subject to withholding, but withholding under this section cannot be implemented because the obligor's location is unknown, because the extent and source of his disposable income cannot be determined, or for any other reason, the obligee shall either request the clerk of superior court to initiate enforcement proceedings under G.S. 15A-1344.1(d) or G.S. 50-13.9(d) or take other appropriate available measures to enforce the support obligation.

(b) Immediate income withholding. When a new or modified child support order is entered, the district court judge shall, after hearing evidence regarding the obligor's disposable income, place the obligor under an order for immediate income withholding. The IV-D agency shall serve the payor pursuant to G.S. 1A-1, Rule 5, Rules of Civil Procedure, or by electronic transmission in compliance with the federal Office of Child Support Enforcement (OCSE) electronic income withholding (e-IWO) procedures, with a notice of his obligation to withhold, and shall mail a copy of such notice to the obligor and file a copy with the clerk. If information is unavailable regarding an obligor's disposable income, or the obligor is unemployed, or an agreement is reached between both parties which provides for an alternative arrangement, immediate income withholding shall not apply. The obligor, however, is subject to income withholding pursuant to G.S. 110-136.4(a).

(c) Subsequent payors. If the obligor changes employment or source of disposable income, notice to subsequent payors of their obligation to withhold shall be served as required by G.S. 1A-1, Rule 5, Rules of Civil Procedure, ~~Procedure~~ or by electronic transmission in compliance with the federal Office of Child Support Enforcement (OCSE) electronic income withholding (e-IWO) procedures. Copies of such notice shall be filed with the clerk of court and served upon the obligor by first class mail.

(d) Multiple withholdings. The obligor must notify the obligee if the obligor is currently subject to another withholding for child support. In the case of two or more withholdings against one obligor, the obligee or obligees shall attempt to resolve any conflict between the orders in a manner that is fair and equitable to all parties and within the limits specified by G.S. 110-136.6. If the conflict cannot be so resolved, an injured party, upon request, shall be granted a hearing in accordance with the procedure specified in G.S. 110-136.4(c). The conflict between the withholding orders shall be resolved in accordance with G.S. 110-136.7.

(e) Modification of withholding. When an order for withholding has been entered under this section, the obligee may modify the withholding based on changed circumstances. The obligee shall proceed as is provided in this section.

(f) Applicability of section. The provisions of this section apply to IV-D cases only."

SECTION 5. G.S. 110-139.2(b1) reads as rewritten:

"(b1) The Department of Health and Human Services Child Support Enforcement Agency may notify any financial institution doing business in this State that an obligor who maintains an identified account with the financial institution has a child support obligation that may be eligible for levy on the account in an amount that satisfies some or all of the amount of unpaid support owed. In order to be able to attach a lien on and levy an obligor's account, the amount of unpaid support owed shall be an amount not less than the amount of support owed for six months or one thousand dollars (\$1,000), whichever is less.

Upon certification of the amount of unpaid support owed in accordance with G.S. 44-86(c), the Child Support Agency shall serve or cause to be served upon the obligor, and when the matched account is owned jointly, any other nonliable owner of the account, and the financial institution a notice as provided by this subsection. The notice shall include the name of the obligor, the financial institution where the account is located, the account number of the account to be levied to satisfy the lien, the certified amount of unpaid support, information for the obligor or account owner on how to remove the lien or contest the lien in order to avoid the

levy, and a copy of reference to the applicable law, G.S. 110-139.2. The notice shall be served on the obligor, and any nonliable account owner, in any manner provided in Rule 4 of the North Carolina Rules of Civil Procedure. The financial institution shall be served notice in accordance with Rule 5 of the North Carolina Rules of Civil Procedure. Upon service of the notice, the financial institution shall proceed in the following manner:

- (1) Immediately attach a lien to the identified account.
- (2) Notify the Child Support Agency of the balance of the account and date of the lien or that the account does not meet the requirement for levy under this subsection.

In order for an obligor or account owner to contest the lien, within 10 days after the obligor or account owner is served with the notice, the obligor or account owner shall send written notice of the basis of the contest to the Child Support Agency and shall request a hearing before the district court in the county where the support order was entered. The obligor account holder may contest the lien only on the basis that the amount owed is an amount less than the amount of support owed for six months, or is less than one thousand dollars (\$1,000), whichever is less, or the contesting party is not the person subject to the court order of support. The district court may assess court costs against the nonprevailing party. If no response is received from the obligor or account owner within 10 days of the service of the notice, the Child Support Agency shall notify the financial institution to submit payment, up to the total amount of the child support arrears, if available. This amount is to be applied to the debt of the obligor.

A financial institution shall not be liable to any person for complying in good faith with this subsection. The remedy set forth in this section shall be in addition to all other remedies available to the State for the reduction of the obligor's child support arrears. This remedy shall not prevent the State from taking any and all other concurrent measures available by law.

This levy procedure is to be available for direct use by all states' child support programs to financial institutions in this State without involvement of the Department."

SECTION 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15th day of June, 2015.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____, m. this _____ day of _____, 2015