

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 589
HOUSE BILL 1099

AN ACT TO ASSURE COOPERATION FROM APPROPRIATE PARTIES IN THE
VERIFICATION OF DISPOSABLE INCOME FOR CHILD SUPPORT
WITHHOLDING PURPOSES AND TO MAKE OTHER CHANGES IN THE
INCOME WITHHOLDING STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-136.3(a) reads as rewritten:

"(a) Required contents of support orders. All child support orders, civil or criminal, entered or modified in the State beginning October 1, 1986, shall:

- (1) Require the obligor to keep the clerk of court or IV-D agency informed of his current residence and mailing address ~~and of the name and address of any payor of his disposable income and of the amount and effective date of any substantial change in his disposable income, and;~~
- (2) ~~Provide for implementation of income withholding procedures as provided in this Article.~~ Include a provision that an obligor will be subject to income withholding under a separate order if arrearages equal to the support payable for one month accumulate or upon request of the obligor;
- (3) Require the obligor to cooperate fully with the initiating party in the verification of the amount of his disposable income;
- (4) Require the obligee or custodial party to keep the obligor informed of the current residence and mailing address of the child; and
- (5) If the case is a IV-D case, require the obligor to keep the IV-D agency informed of the name and address of any payor of his disposable income and of the amount and effective date of any substantial change in his disposable income."

Sec. 2. G.S. 110-136.8(b) reads as rewritten:

"(b) Payor's responsibilities. A payor who has been properly served with a notice to withhold is required to:

- (1) Withhold from the obligor's disposable income and, within 10 days of the date the obligor is paid, send to the clerk of superior court specified in the notice, the amount specified in the notice, but in no event more than the amount allowed by G.S. 110-136.6; however, if a lesser amount of disposable income is available for any pay period, the payor shall either: (a) compute and send the appropriate amount to the clerk of court, using the percentages as provided in G.S. 110-136.6, or (b)

request the initiating party to inform the payor of the proper amount to be withheld for that period;

- (2) Continue withholding until further notice from the IV-D agency or the clerk of superior court;
- (3) Withhold for child support before withholding pursuant to any other legal process under State law against the same disposable income;
- (4) Begin withholding from the first payment due the obligor in the first pay period that occurs 14 days following the date the notice of the obligation to withhold was served on the payor;
- (5) Promptly notify the obligee in a IV-D case, or the clerk of superior court in a non-IV-D case, in writing:
 - a. If there is more than one child support withholding for the obligor;
 - b. When the obligor terminates employment or otherwise ceases to be entitled to disposable income from the payor, and provide the obligor's last known address, and the name and address of his new employer, if known;
 - c. Of the payor's inability to comply with the withholding for any reason-; and
- (6) Cooperate fully with the initiating party in the verification of the amount of the obligor's disposable income."

Sec. 3. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 9th day of July,

1987.