

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 365

Short Title: "Dependent Child" /IV-D Change.

(Public)

Sponsors: Senators Marvin; and Martin of Guilford.

Referred to: Judiciary II.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF "DEPENDENT CHILD" IN IV-D CASES TO INCLUDE PERSONS OVER EIGHTEEN BUT UNDER TWENTY WHO ARE IN HIGH SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-129 reads as rewritten:

§ 110-129. Definitions.

As used in this Article:

- (1) 'Court order' means any judgment or order of the courts of this State or of another state.
- (2) 'Dependent child' means any person under the age of 18 who is not otherwise emancipated, married or a member of the armed forces of the United States, any person over the age of 18 but under the age of 20 and in high school, or any person over the age of 18 for whom a court orders that support payments continue as provided in G.S. 50-13.4(c).
- (3) 'Responsible parent' means the natural or adoptive parent of a dependent child who has the legal duty to support said child and includes the father of an illegitimate child.
- (4) 'Program' means the Child Support Enforcement Program established and administered pursuant to the provisions of this Article and Title IV-D of the Social Security Act.
- (5) 'Designated representative' means any person or agency designated by a board of county commissioners or the Department of Human

- 1 Resources to administer a program of child support enforcement for a
2 county or region of the State.
- 3 (6) 'Disposable income' means any form of periodic payment to an
4 individual, regardless of sources, including but not limited to wages,
5 salary, commission, self-employment income, bonus pay, severance
6 pay, sick pay, incentive pay, vacation pay, compensation as an
7 independent contractor, worker's compensation, unemployment
8 compensation benefits, disability, annuity, survivor's benefits, pension
9 and retirement benefits, interest, dividends, rents, royalties, trust
10 income and other similar payments, which remain after the deduction
11 of amounts for federal, State, and local taxes, Social Security, and
12 involuntary retirement contributions. However, Supplemental Security
13 Income, Aid for Dependent Children, and other public assistance
14 payments shall be excluded from disposable income. For employers,
15 disposable income means 'wage' as it is defined by G.S. 95-25.2 (16).
16 Unemployment compensation benefits shall be treated as disposable
17 income only for the purposes of income withholding under the
18 provisions of G.S. 110-136.4, and the amount withheld shall not
19 exceed twenty-five percent (25%) of the unemployment compensation
20 benefits.
- 21 (7) 'IV-D case' means a case in which services have been applied for or
22 are being provided by a child support enforcement agency established
23 pursuant to Title IV-D of the Social Security Act as amended and this
24 Article.
- 25 (8) 'Non-IV-D case' means any case, other than a IV-D case, in which
26 child support is legally obligated to be paid.
- 27 (9) 'Initiating party' means the party, the attorney for a party, a child
28 support enforcement agency, or the clerk of superior court who
29 initiates an action, proceeding, or procedure as allowed or required by
30 law for the establishment or enforcement of a child support obligation.
- 31 (10) 'Mistake of fact' means that the obligor:
- 32 (a) Is not in arrears in an amount equal to the support payable for
33 one month; or
- 34 (b) Did not request that withholding begin, if withholding is
35 pursuant to a purported request by the obligor for withholding;
36 or
- 37 (c) Is not the person subject to the court order of support for the
38 child named in the advance notice of withholding; or
- 39 (d) Does not owe the amount of current support or arrearages
40 specified in the advance notice or motion of withholding.
- 41 (11) 'Obligee', in a IV-D case, means the child support enforcement
42 agency, and in a non-IV-D case means the individual to whom a duty
43 of support is owed or the individual's legal representative.

- 1 (12) 'Obligor' means the individual who owes a duty to make child support
2 payments under a court order.
- 3 (13) 'Payor' means any payor, including any federal, State, or local
4 governmental unit, of disposable income to an obligor. When the
5 payor is an employer, payor means employer as is defined at 29 USC §
6 203(d) in the Fair Labor Standards Act."
7 Sec. 2. This act becomes effective July 1, 1991.