

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 380  
Second Edition Engrossed 4/30/91

Short Title: Child Support Payor Change.

(Public)

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Sponsors: Senator Allran.

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Referred to: Judiciary II.

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March 28, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE LAW RELATING TO CHILD SUPPORT PAYORS'  
3 NOTICE AND RESPONSIBILITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 110-136.8(b) reads as rewritten:

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

- 8 (1) Withhold from the obligor's disposable income and, within 10 days of  
9 the date the obligor is paid, send to the clerk of superior court specified  
10 in the notice, the amount specified in the ~~notice,~~ notice and the date the  
11 amount was withheld, but in no event more than the amount allowed  
12 by G.S. 110-136.6; however, if a lesser amount of disposable income  
13 is available for any pay period, the payor shall either: (a) compute and  
14 send the appropriate amount to the clerk of court, using the  
15 percentages as provided in G.S. 110-136.6, or (b) request the initiating  
16 party to inform the payor of the proper amount to be withheld for that  
17 period;  
18 (2) Continue withholding until further notice from the IV-D agency or the  
19 clerk of superior court;  
20 (3) Withhold for child support before withholding pursuant to any other  
21 legal process under State law against the same disposable income;

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

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

17 "(d) The payor may combine amounts withheld from obligors' disposable incomes  
18 in a single payment to each clerk of superior court if the payor separately identifies by  
19 name and case number the portion of the single payment attributable to each individual  
20 ~~obligor.~~ obligor and the date that each payment was withheld from the obligor's  
21 disposable income."

22 Sec. 3. G.S. 110-129(10) reads as rewritten:

23 "(10) 'Mistake of fact' means that the obligor:

- 24 (a) Is not in arrears in an amount equal to the support payable for  
25 one month; or
- 26 (b) Did not request that withholding begin, if withholding is  
27 pursuant to a purported request by the obligor for withholding;  
28 or
- 29 (c) Is not the person subject to the court order of support for the  
30 child named in the advance notice of withholding; or
- 31 (d) Does not owe the amount of current support or arrearages  
32 specified in the advance notice or motion of ~~withholding~~  
33 withholding; or
- 34 (e) Has a rate of withholding which exceeds the amount of support  
35 specified in the court order."

36 Sec. 4. This act becomes effective July 1, 1991.