

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 124

Short Title: Service of Process/Child Support.

(Public)

Sponsors: Representatives Jeffus; and Burton.

Referred to: Judiciary II.

February 14, 1994

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW SERVICE OF PROCESS BY A PRIVATE PROCESS SERVER
2 IN CHILD SUPPORT ACTIONS WHEN A PROPER OFFICER RETURNS
3 SERVICE OF PROCESS UNEXECUTED.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 1A-1, Rule 4(h), reads as rewritten:

7 "(h) Summons – When proper officer not available. – If at anytime there is not in
8 a county a proper officer, capable of executing process, to whom summons or other
9 process can be delivered for service, or if a proper officer refuses or neglects to execute
10 such process, or if a proper person returns such process unexecuted in child support
11 actions, or if such officer is a party to or otherwise interested in the action or
12 proceeding, the clerk of the issuing court, upon the facts being verified before him by
13 written affidavit of the plaintiff or his agent or attorney, shall appoint some suitable
14 person who, after he accepts such process for service, shall execute such process in the
15 same manner, with like effect, and subject to the same liabilities, as if such person were
16 a proper officer regularly serving process in that county."

17 Sec. 2. This act becomes effective September 1, 1994, and applies to child
18 support actions that are filed or have not reached final judgment on or after that date.