

**FIRST ENGROSSMENT  
with Senate Amendments**

Fifty-sixth  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1121**

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 14-09-08.1, subsection 9 of section  
2 14-09-09.16, and section 14-09-09.29 of the North Dakota Century Code, relating to notice  
3 procedures, procedures upon failure to pay child support, and coordination of income  
4 withholding services; to provide an effective date; to provide an expiration date; and to declare  
5 an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 14-09-08.1 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **14-09-08.1. (Effective through June 30, 1999) Support payments - Payment to**  
10 **court or state disbursement unit - Transfer of proceedings for enforcement of decree -**  
11 **Procedures upon failure to pay.**

12 1. In any action in which a court orders that payments for child support be made, the  
13 court shall provide in its order that the payments be paid to the clerk of court, as  
14 trustee, or to the public authority, for remittance to the obligee. The clerk shall  
15 maintain records listing the amount of the payments, the date when the payments  
16 must be made, the names and addresses of the parties subject to the order, and  
17 any other information necessary for the proper administration of the order in the  
18 statewide automated data processing system established under section  
19 50-09-02.1. Before the system implementation date, upon notification that a party  
20 to the case is receiving services under title IV-D of the Social Security Act  
21 [42 U.S.C. 651 et seq.], or an assignment of support rights is in effect, the clerk of  
22 court must credit and transmit payments in conformity with title IV-D of the Social  
23 Security Act [Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651 et seq., as amended].

- 1           2.   a.   Each party subject to the order shall immediately inform the clerk of court and  
2                   the public authority of the party's:
- 3                   (1)   Social security number;
- 4                   (2)   Residential and mailing addresses and any change of address;
- 5                   (3)   Telephone number;
- 6                   (4)   Motor vehicle operator's license number;
- 7                   (5)   Employer's name, address, and telephone number; and
- 8                   (6)   Change of any other condition which may affect the proper  
9                   administration of this chapter.
- 10           b.   The requirements of subdivision a must be incorporated into each order for  
11                   payment of child support.
- 12           c.   In any subsequent child support enforcement action between the parties,  
13                   upon sufficient showing that diligent effort has been made to ascertain the  
14                   location of a party, service may be effected by delivery of written notice to the  
15                   most recent residential or employer address provided by the noticed party  
16                   pursuant to this subsection.
- 17           d.   The requirements of this subsection continue in effect until all child support  
18                   obligations have been satisfied with respect to each child subject to the order.
- 19           3.   Whenever there is failure to make the payments as required, the clerk shall send  
20                   notice of the arrears by first-class mail, with affidavit of service, to the person  
21                   required to make the payments, or request a district judge of the judicial district, on  
22                   a form provided by the judge, to issue a citation for contempt of court against the  
23                   person who has failed to make the payments and the citation must be served on  
24                   that person as provided by the North Dakota Rules of Civil Procedure.
- 25           4.   The court of its own motion or on motion of a child support agency or the state's  
26                   attorney of the county of venue, the county of the recipient's residence, or the  
27                   county of the obligor's residence may cause a certified copy of any support order in  
28                   the action to be transcribed and filed with the clerk of the district court of any  
29                   county in this state in which the obligee or the obligor may reside from time to time.  
30                   Thereafter, this section applies as if the support order were issued by the district  
31                   court of the county to which the support order is transcribed. No fee may be

1 charged for transcribing or filing a certified copy of any support order under this  
2 section.

3 5. The clerk of court, at the option of the clerk, may deposit payments received by the  
4 clerk under this section, and not required to be paid to the state disbursement unit,  
5 in a special trust account in either the Bank of North Dakota or in a banking  
6 institution of this state designated as a depository of public funds under chapter  
7 21-04 and make payments from the trust account to the obligee or the clerk may  
8 deposit payments received by the clerk under this section with the county treasurer  
9 and direct their disbursement under chapter 11-14.

10 **(Effective July 1, 1999) Support payments - Payment to state disbursement unit -**  
11 **Transfer of proceedings for enforcement of decree - Procedures upon failure to pay.**

12 1. In any action in which a court orders that payments for child support be made, the  
13 court shall provide in its order that the payments be paid to the state disbursement  
14 unit for remittance to the obligee.

15 2. a. Each party subject to the order shall immediately inform the state  
16 disbursement unit of the party's:

- 17 (1) Social security number;  
18 (2) Residential and mailing addresses and any change of address;  
19 (3) Telephone number;  
20 (4) Motor vehicle operator's license number;  
21 (5) Employer's name, address, and telephone number; and  
22 (6) Change of any other condition which may affect the proper  
23 administration of this chapter.

24 b. The requirements of subdivision a must be incorporated into each order for  
25 payment of child support.

26 c. In any subsequent child support enforcement action between the parties,  
27 upon sufficient showing that diligent effort has been made to ascertain the  
28 location of a party, ~~service may be effected~~ the court shall deem due process  
29 requirements for notice and service to have been met, with respect to the  
30 noticed party, by delivery of written notice to the most recent residential or  
31 employer address provided by the noticed party pursuant to this subsection.

- 1           d. The requirements of this subsection continue in effect until all child support  
2           obligations have been satisfied with respect to each child subject to the order.
- 3           3. Whenever there is failure to make the payments as required, the ~~state~~  
4           ~~disbursement unit~~ clerk of court shall send notice of the arrears by first-class mail,  
5           with affidavit of service, to the person required to make the payments, or request a  
6           district judge of the judicial district, ~~on a form provided by the judge,~~ to issue a  
7           citation for contempt of court against the person who has failed to make the  
8           payments and the citation must be served on that person as provided by the North  
9           Dakota Rules of Civil Procedure.
- 10          4. The court of its own motion or on motion of a child support agency or the state's  
11          attorney of the county of venue, the county of the recipient's residence, or the  
12          county of the obligor's residence may cause a certified copy of any support order in  
13          the action to be transcribed and filed with the clerk of the district court of any  
14          county in this state in which the obligee or the obligor may reside from time to time.  
15          Thereafter, this section applies as if the support order were issued by the district  
16          court of the county to which the support order is transcribed. No fee may be  
17          charged for transcribing or filing a certified copy of any support order under this  
18          section.

19           **SECTION 2. AMENDMENT.** If Senate Bill No. 2170 is approved by the fifty-sixth  
20          legislative assembly and becomes effective, subsection 9 of section 14-09-09.16 of the North  
21          Dakota Century Code as amended by section 7 of Senate Bill No. 2170 is amended and  
22          reenacted as follows:

- 23          9. The income payor shall notify the clerk of court or the public authority in writing of  
24          the termination of a duty to pay income to the obligor within seven business days  
25          of the termination. The notification must include the name and address of the  
26          obligor's subsequent income payor, if known.

27           **SECTION 3. AMENDMENT.** Section 14-09-09.29 of the North Dakota Century Code is  
28          amended and reenacted as follows:

- 29           **14-09-09.29. (Effective July 1, 1999) Coordination of income withholding**  
30          **activities.** The public authority shall assume responsibility for administration of income  
31          withholding orders relating to matters being enforced under title IV-D of the Social Security Act

1 [ Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651] and the receipt and disbursement of child  
2 support payments. The clerks of court shall otherwise maintain responsibility for administration  
3 of income withholding.

4           **SECTION 4. EFFECTIVE DATE.** Sections 1 and 3 of this Act become effective on  
5 July 1, 1999.

6           **SECTION 5. EXPIRATION DATE.** Section 3 of this Act is effective through July 31,  
7 2001, and after that date is ineffective. Section 14-09-09.29 as it existed on the day before the  
8 effective date of this Act becomes effective August 1, 2001.

9           **SECTION 6. EMERGENCY.** Sections 1 and 3 of this Act are declared to be an  
10 emergency measure.