

SENATE BILL NO. 2288

Introduced by

Senator W. Stenehjem

Representatives Hoffner, R. Kelsch, Mahoney, Wentz

1 A BILL for an Act to amend and reenact subsection 1 of section 14-08.1-05 of the North Dakota
2 Century Code, relating to treatment of child support arrears as judgments; to provide for
3 retroactive application; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 14-08.1-05 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. Any order directing any payment or installment of money for the support of a child
8 is, on and after the date it is due and unpaid:

9 a. A judgment by operation of law, with the full force, effect, and attributes of a
10 judgment of the district court, and must be entered in the judgment docket,
11 upon filing by the judgment creditor or the judgment creditor's assignee of a
12 written request accompanied by a verified statement of arrearage or certified
13 copy of the payment records of the clerk of district court maintained under
14 section 14-09-08.1 and an affidavit of identification of the judgment debtor,
15 and otherwise enforced as a judgment. The due and unpaid payments, and
16 any judgment entered in the judgment docket pursuant to this section, may
17 not be discharged in bankruptcy and are not subject to the statutes of
18 limitations provided in chapter 28-01, nor may such judgment be canceled
19 pursuant to section 28-20-35;

20 b. Entitled as a judgment to full faith and credit in any jurisdiction which
21 otherwise affords full faith and credit to judgments of the district court; and

22 c. Not subject to retroactive modification.

23 **SECTION 2. RETROACTIVE APPLICATION OF ACT.** This Act applies retroactively to
24 any due and unpaid payment or installment of money for the support of a child that has not

1 been due and unpaid for more than ten years from the date the underlying obligation to pay
2 support terminated or will terminate pursuant to the terms of the order or judgment that
3 established the obligation, and to any judgment based on any due and unpaid child support that
4 has been entered in the judgment docket and has not been canceled pursuant to section
5 28-20-35 as of the effective date of this Act.

6 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.