

Senate Bill 2082
Senate Judiciary Committee
Testimony Presented by Sara Behrens
January 6, 2021

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill No. 2082. Ms. Holewa gave an overview of the bill and I will provide a summary of each section. Mr. Fleming can provide any information regarding technical aspects of the system.

Section 1: The automated system under section 50-09-02.1 is a shared child support system.

Section 1 removes the clerk of court from use of the system from certification of records within that system. Currently, the clerk of court or the child support agency can provide the certification.

Section 2: This section changes slightly when the notice of arrears is sent. Rather than the clerk having the option to send it out on its own, the clerk will send the notice when requested to do so by either the obligee or the child support agency. This section of the bill also removes the outdated requirement that a certified copy of an order be required to transcribe a support order from one county to another. Prior to electronic orders and the Odyssey system, an actual certified paper copy was transcribed to another county. Now, one county simply sends the electronic order to the other county for filing. No paper copy is actually sent. Because it is one county to another, certification is not needed.

Section 3: This section amends subsection 3 of section 14-09-08.2. When the person to whom the support is owed files the affidavit to extend child support where a child is still in school past age 18, they must also send a copy to the child support agency. It also amends subsection 4 of

section 14-09-08.2 to clarify that the court must determine that both conditions (attending high school and residing with the person to whom support is owed) are met.

Section 4: This section amends section 14-09-09.29 to provide the authority for the child support agency to handle the case management activities that would be transferred. It includes orders that address only spousal support because these are monitored on the child support system because in some cases there is animosity between ex-spouses and the payments are made through the state disbursement unit to alleviate those tensions and disputes.

Section 5: This section removes subsection 3 of section 14-09-26 which is obsolete and has not been an issue in over 20 years. The remaining subsections are retained to avoid any issues with some very old cases with remaining arrears.

Section 6: This section removes the clerks from use of the child support data processing system in light of the assignment of responsibilities in section 4.