

CHAPTER 75-02-04.2

STATE DISBURSEMENT UNIT

Section

75-02-04.2-01 Definitions

75-02-04.2-02 Fees for Child Support Enforcement Services

75-02-04.2-01. Definitions.

The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 14-09 or 50-09 unless the context indicates otherwise. In addition:

1. "Child support case" means the combination of a noncustodial parent or putative father, custodial parent, and children in common.
2. "IV-D case" means a child support case that is serviced by the child support agency under title IV-D.
3. "Non-IV-D case" means a child support case that is not serviced by the child support agency under title IV-D.

History: Effective October 1, 2007.

General Authority: NDCC 50-09-02

Law Implemented: NDCC 50-09-02

75-02-04.2-02. Fees for child support enforcement services.

1. For purposes of this section, "year" means federal fiscal year.
2. Unless subsection 3 applies, an individual who is an obligee in a IV-D case and who has never received assistance under the aid to families with dependent children program or temporary assistance for needy families program and for whom the child support agency has collected and disbursed at least five hundred fifty dollars in child support in any given year will be assessed an annual fee of thirty-five dollars. The child support agency will retain the fee from child support collected on behalf of the obligee.
3. An obligee in a IV-D case is exempt from the fee assessed under subsection 2 if:
 - a. The child support agency is providing services as a responding jurisdiction in an interjurisdictional case; or
 - b. The obligee is a Medicaid recipient who has opted out of child support enforcement services.
4. Unless subsection 5 applies, an individual who is an obligee in a non-IV-D case, or who is an obligee in a IV-D case but who has opted out of child support enforcement services, and for whom child support has been received in a given month will be assessed a monthly fee of five dollars or the amount of child support received for that month, whichever is less. The child support agency will retain the fee from support received.
5. A non-IV-D case is exempt from the fee assessed under subsection 4 if the case is a former IV-D case that was closed by the child support agency because:
 - a. The obligor's location was unknown;
 - b. The obligation was uncollectible because the obligor could not pay support and showed no evidence of support potential;

- c. The obligor was a citizen and resident of a foreign country with which the state does not have a treaty or reciprocity; or
- d. The past-due support balance is under five hundred dollars and is not collectible through commercially reasonable efforts.

History: Effective October 1, 2007; amended effective October 1, 2018.

General Authority: NDCC 50-06.3-02, 50-09-02

Law Implemented: NDCC 14-09-09.36, 50-06.3-02; 42 USC 654(6)(B)(ii)