

Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1168

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact subsection 6 of section 14-09-25 of the North Dakota
2 Century Code, relating to interest on unpaid child support.

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

4 **SECTION 1. AMENDMENT.** Subsection 6 of section 14-09-25 of the 1999 Supplement
5 to the North Dakota Century Code is amended and reenacted as follows:

6 6. Notwithstanding section 28-20-36, the state disbursement unit shall disburse
7 collected child support payments in conformity with title IV-D of the Social Security
8 Act [Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651 et seq.]. Any disbursement
9 made in error is not a gift and must be repaid. The public authority may take any
10 action not inconsistent with law to secure repayment of any disbursement made in
11 error. Interest accrued on an unpaid judgment for child support obligation is child
12 support. To the extent consistent with the requirements of title IV-D, payments a
13 payment received on judgments for with respect to a child support arrearage must
14 first be applied to accrued interest on that arrearage, and then to the principal.
15 The public authority may calculate judgment interest accrued only on child support
16 obligations that first became arrearages after January 1, 2002. The public
17 authority shall enter in its records judgment interest on child support obligations
18 that first became arrearages on or before January 1, 2002, only if a court has
19 ordered the interest amount calculated by some individual or entity other than the
20 public authority and approved the calculated amount. For purposes of this
21 subsection, arrearage means an unpaid child support obligation that was due in a
22 month prior to the current month.