

HOUSE BILL NO. 1419

Introduced by

Representative Klemin

Senator Dwyer

1 A BILL for an Act to amend and reenact sections 14-09-09.30 and 14-09-09.36 of the North
2 Dakota Century Code, relating to child support fees and late child support payments.

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

4 **SECTION 1. AMENDMENT.** Section 14-09-09.30 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-09-09.30. Monthly amount due - Late child support payment.**

- 7 1. If there is a current monthly support obligation, the total amount of child support due in
8 each month for purposes of income withholding is the sum of the obligor's current
9 monthly support obligation; and
- 10 a. The amount the obligor is ordered to pay toward any outstanding arrearage; or
11 b. If no order to repay an arrearage exists, an amount for application to any
12 arrearage equal to twenty percent of the obligor's current monthly support
13 obligation; or
- 14 2. If there is no current monthly support obligation, the total amount of child support due
15 in each month for purposes of income withholding is:
- 16 a. Unless either subdivision b or c applies, an amount equal to the greater of:
- 17 (1) The amount the obligor is ordered to pay toward any outstanding arrearage;
18 or
19 (2) The sum of the obligor's most recent monthly support obligation and twenty
20 percent of the obligor's most recent monthly support obligation;
- 21 b. An amount the obligor is ordered to pay toward an arrearage or, if no order to
22 repay an arrearage exists, an amount equal to twenty percent of the obligor's
23 most recent monthly support obligation, if the supported child resides with the
24 obligor pursuant to a court order; or

- 1 c. An amount the obligor is ordered to pay toward an arrearage if that amount is
2 included in an order issued when there is no current monthly support obligation.
- 3 3. The total amount of child support due in each month under this section for purposes of
4 income withholding may be increased at the request of the obligor to repay an
5 arrearage or by agreement with the child support agency.
- 6 4. A payment received five days or more after the due date is considered late.

7 **SECTION 2. AMENDMENT.** Section 14-09-09.36 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **14-09-09.36. Fee for child support services.**

- 10 1. Any annual fee for child support services imposed by the child support agency under
11 section 50-06.3-02 to conform with title IV-D of the Social Security Act [Pub. L. 93-647;
12 88 Stat. 2351; 42 U.S.C. 651 et seq.] shall be imposed on the obligee. The amount of
13 the fee in a case which is being enforced under title IV-D must be less, on an annual
14 basis, than the fee in a case which is not being enforced under title IV-D. Upon order
15 of a court, the amount of the fee paid by the obligee may be collected from the obligor
16 as past-due support.
- 17 2. An obligor in a case that is not being enforced under title IV-D shall pay a monthly fee
18 in an amount imposed by the child support agency. The child support agency may not
19 impose a fee on the obligee in a case that is not being enforced under title IV-D.