

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 541
SENATE BILL 380

AN ACT TO CLARIFY THE LAW RELATING TO CHILD SUPPORT PAYORS'
NOTICE AND RESPONSIBILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-136.8(b) reads as rewritten:

"(b) Payor's responsibilities. A payor who has been properly served with a notice to withhold is required to:

- (1) Withhold from the obligor's disposable income and, within 10 days of the date the obligor is paid, send to the clerk of superior court specified in the notice, the amount specified in the ~~notice~~, notice and the date the amount was withheld, but in no event more than the amount allowed by G.S. 110-136.6; however, if a lesser amount of disposable income is available for any pay period, the payor shall either: (a) compute and send the appropriate amount to the clerk of court, using the percentages as provided in G.S. 110-136.6, or (b) request the initiating party to inform the payor of the proper amount to be withheld for that period;
- (2) Continue withholding until further notice from the IV-D agency or the clerk of superior court;
- (3) Withhold for child support before withholding pursuant to any other legal process under State law against the same disposable income;
- (4) Begin withholding from the first payment due the obligor in the first pay period that occurs 14 days following the date the notice of the obligation to withhold was served on the payor;
- (5) Promptly notify the obligee in a IV-D case, or the clerk of superior court in a non-IV-D case, in writing:
 - a. If there is more than one child support withholding for the obligor;
 - b. When the obligor terminates employment or otherwise ceases to be entitled to disposable income from the payor, and provide the obligor's last known address, and the name and address of his new employer, if known;
 - c. Of the payor's inability to comply with the withholding for any reason; and
- (6) Cooperate fully with the initiating party in the verification of the amount of the obligor's disposable income."

Sec. 2. G.S. 110-136.8(d) reads as rewritten:

"(d) The payor may combine amounts withheld from obligors' disposable incomes in a single payment to each clerk of superior court if the payor separately identifies by name and case number the portion of the single payment attributable to each individual ~~obligor.~~ obligor and the date that each payment was withheld from the obligor's disposable income."

Sec. 3. G.S. 110-129(10) reads as rewritten:

"(10) 'Mistake of fact' means that the obligor:

- (a) Is not in arrears in an amount equal to the support payable for one month; or
- (b) Did not request that withholding begin, if withholding is pursuant to a purported request by the obligor for withholding; or
- (c) Is not the person subject to the court order of support for the child named in the advance notice of withholding; or
- (d) Does not owe the amount of current support or arrearages specified in the advance notice or motion of ~~withholding.~~ withholding; or
- (e) Has a rate of withholding which exceeds the amount of support specified in the court order."

Sec. 4. This act becomes effective July 1, 1991.

In the General Assembly read three times and ratified this the 4th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives