

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2170

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new section to chapter 14-08.1, a new section to
2 chapter 14-19, and a new section to chapter 20.1-03 of the North Dakota Century Code,
3 relating to certification of child support records, the duties of voluntary paternity establishment
4 service entities, and the recording of social security numbers on game and fish license and
5 permit applications; to amend and reenact subsection 1 of section 14-09-08.4, sections
6 14-09-08.6, 14-09-08.11, 14-09-09.6, 14-09-09.15, 14-09-09.16, 14-09-09.28, 14-09-25,
7 subsection 3 of section 14-17-11, subsection 4 of section 14-17-14, sections 14-17-17,
8 14-19-01, 14-19-05, 14-19-07, 14-19-08, 39-06-07, section 50-09-02.4, subdivision h of
9 subsection 1 of section 50-09-08.2, sections 50-09-08.3, and 50-09-08.5 of the North Dakota
10 Century Code, relating to technical and conforming amendments to child support laws and the
11 state disbursement unit; to repeal sections 14-09-14 and 14-09-27 of the North Dakota Century
12 Code, relating to exceptions to parental liability for child support and to the state disbursement
13 fund; to provide a continuing appropriation; to provide an effective date; and to declare an
14 emergency.

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

16 **SECTION 1.** A new section to chapter 14-08.1 of the North Dakota Century Code is
17 created and enacted as follows:

18 **Certification of records.** The clerk of court and any authorized agent of the public
19 authority or a child support agency, in any circumstance or proceeding requiring proof of the
20 contents of the official records of the state regarding any information maintained in the state
21 case registry of the automated data processing system established under section 50-09-02.1,
22 may certify the content of those records. A certification provided under this section is prima
23 facie evidence of the contents of those records.

1 **SECTION 2. AMENDMENT.** Subsection 1 of section 14-09-08.4 of the North Dakota
2 Century Code is amended and reenacted as follows:

- 3 1. Each child support order must be reviewed by the child support agency no less
4 frequently than thirty-six months after the establishment of the order or the most
5 recent amendment or review of the order by the court or child support agency
6 unless:
- 7 a. In the case of an order with respect to which there is in effect an assignment
8 under chapter 50-09 ~~or 50-24.1~~, the child support agency has determined that
9 a review is not in the best interests of the child and neither the obligor nor the
10 obligee has requested review; or
- 11 b. In the case of any other order neither the obligor nor the obligee has
12 requested review.

13 **SECTION 3. AMENDMENT.** Section 14-09-08.6 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **14-09-08.6. Obligor's duties upon review - Failure to provide information.**

- 16 1. The obligor shall provide information to the child support agency concerning the
17 obligor's income, which is sufficient to accomplish the review, no later than five
18 working days before the date of review. The information must be furnished by:
- 19 a. ~~Providing~~ providing an income report, in the form and manner required by the
20 ~~child support agency~~ public authority, accurately completed and attested to by
21 the obligor; and providing:
- 22 b. ~~a.~~ a. ~~Providing a~~ A verified copy of the latest income tax return, filed with the
23 internal revenue service or any state official administering a state income tax,
24 which accurately reports the obligor's income for a fiscal year ending no more
25 than seventeen months prior to the date of the review; or
- 26 e. ~~b.~~ b. ~~Providing a~~ A written authorization by which the child support agency may
27 secure a verified copy of the latest income tax return, filed with the tax
28 commissioner, which accurately reports the obligor's income for a fiscal year
29 ending no more than seventeen months prior to the date of review.
- 30 2. ~~If information concerning the obligor's income sufficient to accomplish the review~~
31 ~~has not been timely furnished by the obligor, the child support agency may apply to~~

1 ~~the court for an order compelling the obligor to furnish information sufficient to~~
2 ~~accomplish the review.~~

3 ~~3.~~ If an application to the court made pursuant to ~~subsection 2~~ has not resulted in the
4 ~~production of~~ the obligor has not produced information under subsection 1
5 concerning the obligor's income, sufficient to accomplish the review, the child
6 support agency may base its review determination on the assumption that the
7 obligor's income has increased at the rate of ten percent per year since the child
8 support order under review was entered or last modified.

9 **SECTION 4. AMENDMENT.** Section 14-09-08.11 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **14-09-08.11. Eligible child - Employer to permit enrollment.**

12 1. When an obligor is required to cover a minor child as a beneficiary under section
13 14-09-08.10, the child is eligible for health insurance coverage as a dependent of
14 the obligor until the child's eighteenth birthday or until further order of the court. If
15 health insurance coverage required under section 14-09-08.10 is available through
16 an income ~~payer~~ payor, the income ~~payer~~ payor must:

17 a. Permit the obligor to enroll under family coverage any child who is otherwise
18 eligible for coverage without regard to any open enrollment restrictions;

19 b. If the obligor is enrolled but fails to make application to obtain coverage for
20 the child, enroll the child under family coverage upon application by the
21 obligee;

22 c. If the obligor is enrolled but fails to make application to obtain coverage for
23 the child, enroll the child under family coverage upon application ~~to~~ by the
24 public authority, subject to subsection 2, whenever the child receives:

25 (1) Benefits through ~~a demonstration project established under section~~
26 ~~50-06-01.8~~, temporary assistance for needy families or foster care
27 under chapter 50-09, or medical assistance under chapter 50-24.1; or

28 (2) Services provided upon application of an obligee to the child support
29 agency;

30 d. Not disenroll or eliminate coverage for any child unless the income ~~payer~~
31 payor is provided satisfactory written evidence that:

- 1 (1) The order issued under section 14-09-08.10 is no longer in effect;
- 2 (2) The child is or will be enrolled in comparable coverage that will take
- 3 effect no later than the effective date of disenrollment; or
- 4 (3) The income ~~payer~~ payor has eliminated family health coverage for all of
- 5 its employees;
- 6 e. Withhold from the obligor's compensation the obligor's share, if any, of
- 7 premiums for health insurance coverage and pay this amount to the health
- 8 insurance provider; and
- 9 f. If the amount required to be withheld under subdivision e, either alone or
- 10 when added to the total of any withholding required by an order issued under
- 11 section 14-09-09.15, exceeds fifty percent of the obligor's disposable income,
- 12 withhold fifty percent of the obligor's disposable income.
- 13 2. Before making application under subdivision c of subsection 1, the public authority
- 14 shall provide notice to the obligor that the obligor may contest the proposed
- 15 application by filing a written request for a hearing within ten days of the date the
- 16 notice is issued. If the obligor contests the application for coverage, a hearing
- 17 must be held, and the court shall require the public authority to make application if
- 18 it determines coverage for the child is available to the obligor at reasonable cost.
- 19 3. Withholding required by an order issued under section 14-09-09.15 must be
- 20 satisfied before any payment is made to the health insurance provider. If the
- 21 amount remaining is insufficient to pay the obligor's share of premiums for health
- 22 insurance coverage, the obligor may authorize additional withholding to pay the
- 23 obligor's share. If the obligor does not authorize additional withholding, and the
- 24 health insurance coverage will lapse as a result, the income ~~payer~~ payor must
- 25 promptly inform the clerk of court or public authority that issued the order under
- 26 section 14-09-09.15 of the insufficiency.

27 **SECTION 5. AMENDMENT.** Section 14-09-09.6 of the North Dakota Century Code is

28 amended and reenacted as follows:

29 **14-09-09.6. Voluntary income withholding for support - Limitations.** An obligor

30 may execute a document voluntarily authorizing income withholding from current or future

31 income due the obligor from an income payor in an amount sufficient to meet any child support

1 obligation imposed by a court or otherwise. An income withholding authorization made under
2 this section is binding on the income payor one week after service upon the income payor by
3 ~~personal service or by certified~~ first-class mail, or in any other manner agreed to by the income
4 payor, of a true copy of the executed income withholding authorization. The income payor shall
5 deduct the sum or sums specified and pay them as specified by the income withholding
6 authorization and any applicable imposition of a support obligation by a court. In addition, the
7 income payor may deduct a fee of three dollars per month from the obligor's income to cover
8 expenses involved in transmitting payment. Compliance by an income payor with an income
9 withholding authorization issued under this section discharges the income payor's liability to the
10 obligor for that portion of the obligor's income. The income payor may not use the income
11 withholding authorization as a basis for any disciplinary action against the obligor.

12 **SECTION 6. AMENDMENT.** Section 14-09-09.15 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **14-09-09.15. Form - Effect of income withholding order.** The income withholding
15 order must be issued in the name of the state of North Dakota, ~~be attested in the name of the~~
16 ~~judge, subscribed by the clerk or a designee of the public authority~~ in the standard format for
17 notice of the order prescribed by the secretary of the United States department of health and
18 human services under authority of 42 U.S.C. 666(b)(6)(A)(ii), contain only the information
19 necessary for the income payor to comply with the income withholding order, and be directed to
20 all current and subsequent income payors of the obligor. The income withholding order is
21 binding on the income payor until further notice by the clerk or the public authority and applies
22 to all current and subsequent periods in which income is owed the obligor by the income payor.
23 The income withholding order has priority over any other legal process against the same
24 income.

25 **SECTION 7. AMENDMENT.** Section 14-09-09.16 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **14-09-09.16. Service of income withholding order on income payor.**

28 1. The clerk of court or the public authority shall serve the income withholding order
29 on the income payor ~~in the manner provided for service of a summons in a civil~~
30 ~~action~~ by first-class mail or in any other manner agreed to by the income payor,
31 and upon the obligor by first-class mail to the obligor's last-known address.

- 1 2. If the obligor is subject to immediate income withholding under section
2 14-09-09.24, an income withholding order must be served on any known income
3 payor within ~~five~~ two business days of the ~~issuance of the judgment or order which~~
4 ~~requires the payment of child support~~ date of receipt of information necessary to
5 carry out income withholding. Subject to the provisions of section 14-09-09.17, if
6 service of an income withholding order has been or may have been properly made
7 under this section, an income withholding order must be served on any
8 subsequently identified income payor within ~~five~~ two business days ~~after the issuer~~
9 ~~is informed of the name and address of such an income payor~~ of the date of
10 receipt of information necessary to carry out income withholding.
- 11 3. An income withholding order may also be issued and served at the request of the
12 obligor. ~~The income withholding order, upon certification by the public authority to~~
13 ~~the secretary of state and the legislative council that the secretary of the United~~
14 ~~States department of health and human services, under authority of 42 U.S.C.~~
15 ~~666(b)(6)(A)(ii), has prescribed a standard format for notice of the order, must be~~
16 ~~in that standard format and contain only the information necessary for the income~~
17 ~~payor to comply with the withholding order. Before that certification, the income~~
18 ~~withholding order must state all of the following:~~
- 19 4. ~~That the obligor is properly subject to an income withholding order and that the~~
20 ~~The income payor is therefore required to~~ shall withhold a stated amount,
21 determined under section 14-09-09.30, from the obligor's income at the time the
22 obligor is paid for transmittal to the ~~clerk of court or the public authority~~ within
23 seven business days of the date the obligor is paid, together with a report of the
24 date upon which the amount was withheld from the obligor's income.
- 25 2. 5. ~~That the~~ The income payor may also withhold and retain an additional sum of
26 three dollars per month from the obligor's income to cover expenses involved in
27 transmitting payment.
- 28 3. 6. ~~That the~~ The amount to be withheld, including amounts to cover expenses
29 involved in transmitting payment, may not exceed fifty percent of the obligor's
30 disposable income from this income payor, but a payment of an amount less than
31 the ordered amount must be accompanied by a written calculation disclosing any

1 of the obligor's income and disposable income which is payable by the income
2 payor.

3 ~~4. 7.~~ 7. ~~That the~~ The income payor shall begin withholding no later than the first payday
4 that occurs after service of the income withholding order.

5 ~~5. 8.~~ 8. ~~That if~~ If the income payor is served with more than one income withholding order
6 issued under this chapter on a single obligor and the combined total amount to be
7 paid under the income withholding orders exceeds fifty percent of the obligor's
8 disposable income the income payor shall withhold the maximum amount
9 permitted, and transmit to the ~~clerk of court or the~~ public authority that portion
10 thereof which the obligee's claim bears to the combined total of all claims.

11 ~~6. 9.~~ 9. ~~That the~~ The income payor shall notify the ~~clerk of court or the~~ public authority in
12 writing of the termination of a duty to pay income to the obligor within seven
13 business days of the termination. The notification must include the name and
14 address of the obligor's subsequent income payor, if known.

15 ~~7. 10.~~ 10. ~~That if~~ If the income payor is subject to income withholding orders for more than
16 one obligor:

17 a. ~~Prior to the system implementation date, the income payor may combine in a~~
18 ~~single payment the amounts for all obligors who have been ordered to pay the~~
19 ~~same clerk of court with identification of the amount attributable to each~~
20 ~~obligor; and~~

21 b. ~~Thereafter,~~ the income payor may combine in a single payment the amounts
22 for all obligors who have been ordered to pay the public authority with
23 identification of the amount attributed to each obligor.

24 ~~8. That failure to comply with the income withholding order will subject the income~~
25 ~~payor to penalties provided under section 14-09-09.3.~~

26 ~~9. That the withholding order has priority over any other legal process under state law~~
27 ~~against the same wages.~~

28 ~~10. If appropriate, that the obligor is required to provide health insurance coverage for~~
29 ~~a child who is the subject of a child support order.~~

30 **SECTION 8. AMENDMENT.** Section 14-09-09.28 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **14-09-09.28. Application to existing cases.** Sections 14-09-09.26, 14-09-09.27,
2 ~~14-12.1-12, subsection 3 of section 14-12.1-18, and section 14-12.1-38~~ 14-12.2-19, and
3 14-12.2-20 apply to actions filed prior to July 7, 1991.

4 **SECTION 9. AMENDMENT.** Section 14-09-25 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-09-25. (~~Effective July 1, 1999~~) State disbursement unit - Duties - Continuing**
7 **appropriation.**

- 8 1. The public authority shall establish a state disbursement unit for the collection and
9 disbursement of payments of child support. The state disbursement unit is
10 responsible for the collection and disbursement of all payments under child support
11 orders.
- 12 2. The public authority may contract with any public or private entity for any service
13 provided by the state disbursement unit. The state disbursement unit may employ
14 technology and agents to allow receipt of child support payments at locations and
15 times when state disbursement unit staff are not available.
- 16 3. The state disbursement unit shall use automated procedures, electronic
17 processes, and computer-driven technology, including the statewide automated
18 data processing system established under section 50-09-02.1, to the maximum
19 extent feasible, efficient, and economical, for the collection and distribution of child
20 support payments.
- 21 4. The state disbursement unit shall account for and disburse all support payments
22 received by it, maintain necessary records, and develop procedures for providing
23 information to the parties, including the obligor and obligee, regarding actions
24 taken and, at least annually, regarding child support payments collected and
25 distributed. The state disbursement unit shall adopt procedures for the
26 maintenance and retention of records of child support payments, and for the
27 storage and destruction of records when the support obligation is satisfied or is
28 terminated.
- 29 5. The state disbursement unit shall ~~establish a fund, known as the state~~
30 ~~disbursement unit fund.~~ All deposit all child support payments received, ~~except~~
31 ~~those payments assigned to the state, shall be deposited into the state~~

1 ~~disbursement unit fund, and all disbursements of child support, except those~~
2 ~~payments assigned to the state, must be made from the state disbursement unit~~
3 ~~fund in the state treasury. All payments so deposited, except those payments~~
4 ~~assigned to the state, are appropriated to the public authority as a standing and~~
5 ~~continuing appropriation for the purpose of making disbursements to obligees~~
6 ~~entitled to the child support payments collected.~~

7 6. The state disbursement unit shall disburse collected child support payments in
8 conformity with title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351;
9 42 U.S.C. 651 et seq.]. Any disbursement made in error is not a gift and must be
10 repaid. The public authority may take any action not inconsistent with law to
11 secure repayment of any disbursement made in error.

12 7. Unless notice has otherwise been provided, the state disbursement unit shall
13 provide notice to the obligor, the obligee, and any income payor that payment must
14 be made to the state disbursement unit.

15 **SECTION 10. AMENDMENT.** Subsection 3 of section 14-17-11 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 3. Genetic test results, weighted in accordance with evidence, if available, of the
18 statistical probability of the alleged father's paternity. ~~Verified documentation~~
19 Documentation of the chain of custody of the genetic specimens, provided by an
20 examiner appointed under section 14-17-10, is competent evidence to establish
21 the chain of custody. A ~~verified~~ report obtained from an examiner appointed
22 ~~pursuant to~~ under section 14-17-10 must be admitted at trial unless a written
23 objection to the testing procedures or the results of genetic analysis has been
24 made at least ten days before trial or at an earlier time determined by the court.

25 **SECTION 11. AMENDMENT.** Subsection 4 of section 14-17-14 of the North Dakota
26 Century Code is amended and reenacted as follows:

27 4. Support judgments or orders ~~ordinarily~~ for future support must be for ~~periodic~~
28 monthly payments which may vary in amount must be in amounts consistent with
29 guidelines established under section 14-09-09.7. In the best interest of the child, a
30 ~~lump sum payment or the purchase of an annuity may be ordered in lieu of~~
31 ~~periodic payments of support. The court may limit the father's liability for past~~

1 ~~support of the child to the proportion of the expenses already incurred that the~~
2 ~~court deems just.~~

3 **SECTION 12. AMENDMENT.** Section 14-17-17 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **14-17-17. Modification of judgment or order.** The court has continuing jurisdiction to
6 modify a judgment or order for future support and, subject to section 14-09-06.6, custody and
7 rights of visitation for the child.

8 **SECTION 13. AMENDMENT.** Section 14-19-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **14-19-01. Definitions.** In this chapter, unless the context otherwise requires:

- 11 1. "Birthing hospital" means a hospital licensed under chapter 23-16 which provides
12 obstetrical services.
- 13 2. "Department" means the department of human services.
- 14 3. "Donor" means a woman whose body produced an egg for the purposes of
15 assisted conception but does not include a woman whose body produces an egg
16 used for the purpose of conceiving a child for that woman.
- 17 4. "Gestational carrier" means a woman who enters into an agreement to have an
18 embryo implanted in her and bear the resulting child for intended parents, where
19 the embryo is conceived by using the egg and sperm of the intended parents.
- 20 5. "Married woman" includes a woman who attempted to marry by a marriage
21 solemnized in apparent compliance with law, although the attempted marriage is or
22 could be declared invalid.
- 23 6. "Mother" means a woman who gives birth to a child or, if pregnancy resulted from
24 assisted conception, the woman who is the donor but not the woman who is the
25 gestational carrier.
- 26 7. "Party" means the man with whom the relationship of father and child is sought or
27 established, the child's mother, and, for purposes of proceedings to relieve a party
28 of the relationship of father and child, the child.
- 29 8. "Relationship of father and child" means the legal relationship existing between a
30 father and the father's natural or adoptive child incident to which the law confers or
31 imposes rights, privileges, duties, and obligations.

1 9. "Voluntary paternity establishment service entity" means the state department of
2 health and any child support agency, as that term is defined in section
3 14-09-09.10.

4 **SECTION 14. AMENDMENT.** Section 14-19-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-19-05. Filing of acknowledgment –~~Services provided.~~** An acknowledgment of
7 paternity made under this chapter must be filed with the state department of health. Upon
8 request of the department, the state department of health shall furnish a certified copy of an
9 acknowledgment of paternity to the department. ~~The state department of health shall offer~~
10 ~~voluntary paternity establishment services.~~

11 **SECTION 15.** A new section to chapter 14-19 of the North Dakota Century Code is
12 created and enacted as follows:

13 **Voluntary paternity establishment service entities - Duties.**

14 1. At any time after an unmarried woman is determined to be pregnant, a voluntary
15 paternity establishment entity may:

16 a. Provide to the mother and the alleged father, if the alleged father is present:

17 (1) Written materials about paternity establishment;

18 (2) The forms necessary to voluntarily acknowledge paternity;

19 (3) A written and oral description of the rights, responsibilities, and legal
20 consequences of establishing paternity; and

21 (4) The opportunity to speak, either by telephone or in person, with staff
22 who are trained to clarify information and answer questions about
23 paternity establishment; and

24 b. Provide the mother and the alleged father, if the alleged father is present, the
25 opportunity to voluntarily acknowledge paternity;

26 2. Before accepting a voluntary acknowledgment of paternity, a voluntary paternity
27 establishment service entity shall afford due process safeguards by informing, in
28 writing, the mother and the alleged father, if the alleged father is present, of the
29 manner in which a relationship of father and child established under this chapter
30 may be vacated or rescinded.

1 3. A voluntary paternity establishment service entity shall forward completed
2 acknowledgments to the state department of health.

3 **SECTION 16. AMENDMENT.** Section 14-19-07 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **14-19-07. Immunity from liability.** A hospital, ~~is~~ a voluntary paternity establishment
6 service entity, and the agents, or its employees of either, acting in accordance with this chapter
7 or attempting in good faith to do so, are immune from civil liability for that activity.

8 **SECTION 17. AMENDMENT.** Section 14-19-08 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **14-19-08. Powers and duties of the department.** The department shall:

- 11 1. Provide each birthing hospital and voluntary paternity establishment service entity
12 in the state:
 - 13 a. Written materials about paternity establishment.
 - 14 b. Forms necessary to voluntarily acknowledge paternity.
 - 15 c. A written description of the rights and responsibilities of acknowledging
16 paternity.
- 17 2. Provide training, guidance, and written instructions regarding voluntary
18 acknowledgment of paternity reasonably necessary to assist a birthing hospital or
19 voluntary paternity establishment service entity in its duties under this chapter.
- 20 3. In cooperation with the state department of health, secure information on each
21 voluntary paternity establishment service entity's and each birthing hospital's
22 paternity acknowledgment program at least annually.
- 23 4. In cases involving applications for child support services made to a child support
24 agency which require paternity establishment, determine if a voluntary paternity
25 acknowledgment has been filed with the state department of health.
- 26 5. Assure that the same procedures governing birthing hospitals apply to voluntary
27 paternity establishment service entities, including use of the same notice
28 provisions, the same materials, the same evaluation methods, and the same
29 training for personnel.

30 **SECTION 18.** A new section to chapter 20.1-03 of the North Dakota Century Code is
31 created and enacted as follows:

1 **Social security number to be furnished.** The social security number of an applicant
2 for any license or permit issued under this chapter must be recorded on the application unless
3 the applicant is a foreign national to whom no social security number has been issued. A social
4 security number recorded under this section is exempt from section 44-04-18 and section 6 of
5 article XI of the Constitution of North Dakota.

6 **SECTION 19. AMENDMENT.** Section 39-06-07 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06-07. Application for license or instruction permit.**

- 9 1. Every application for an instruction permit or for an operator's license must be
10 made upon a form furnished by the director.
- 11 2. Every application must state the full name, date of birth, sex, social security
12 number, residence and mailing address, and briefly describe the applicant. In
13 signing the application the applicant is deemed to have certified that all information
14 contained on the application is true and correct. The application must be
15 accompanied by the proper fee. The application must also provide for the
16 voluntary identification of the applicant as a donor under the provisions of chapter
17 23-06.2. The application must contain such other information as the director may
18 require.
- 19 3. Whenever an application is received from a person previously licensed in another
20 jurisdiction, the director may request a copy of the driver's record from such other
21 jurisdiction. When received, the driving record becomes a part of the driving
22 record in this state with the same force and effect as though entered on the driving
23 record in this state in the original instance.
- 24 4. Whenever the director receives a request for a driving record from another
25 licensing jurisdiction, the record must be forwarded without charge.

26 **SECTION 20. AMENDMENT.** Section 50-09-02.4 of the 1997 Supplement to the North
27 Dakota Century Code is amended and reenacted as follows:

28 **50-09-02.4. (Effective July 1, 1999) State case registry.**

- 29 1. The statewide automated data processing system established under
30 section 50-09-02.1 must include a registry that contains records with respect to:

- 1 a. Each child support case in which services are being provided by the state
- 2 agency or a child support agency under title IV-D; and
- 3 b. Each child support order established or modified in this state on or after
- 4 October 1, 1998.
- 5 2. The case records must use standardized data elements for both parents and
- 6 contain other information the secretary requires.
- 7 3. Each case record concerning a case with respect to which services are being
- 8 provided by the state agency or a child support agency under title IV-D must:
- 9 a. Include payment records consistent with the requirements of title IV-D, which
- 10 include:
- 11 (1) The amount of current monthly or other periodic support owed under
- 12 the order and other amounts, including arrearages, interest, late
- 13 payment penalties, fees, and amounts determined under
- 14 section 14-09-09.30, due or past due under the order;
- 15 (2) Any amount described in paragraph 1 that has been collected;
- 16 (3) The distribution of collected amounts;
- 17 (4) The birthdate and the social security number of any child for whom an
- 18 order requires the provision of support; and
- 19 (5) The amount necessary to satisfy any lien imposed under chapter 35-34
- 20 or established as a judgment lien under section 14-08.1-05.
- 21 b. Be established, maintained, updated, and monitored on the basis of:
- 22 (1) Information on administrative actions and administrative and judicial
- 23 proceedings and orders relating to paternity and child support;
- 24 (2) Information obtained from comparison with federal, state, and local
- 25 sources of information;
- 26 (3) Information on child support collections and distributions; and
- 27 (4) Any other relevant information.

28 **SECTION 21. AMENDMENT.** Subdivision h of subsection 1 of section 50-09-08.2 of
29 the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1 h. Enter into agreements with financial institutions doing business in the state,
2 and with the assistance, or through the agency, of the secretary, with financial
3 institutions doing business in two or more states:

4 (1) To develop and operate, in coordination with those financial institutions,
5 a data match system, using automated data exchanges to the
6 maximum extent feasible, in which each such financial institution is
7 required to provide in each calendar quarter the name, record address,
8 social security number or other taxpayer identification number, and
9 other identifying information for each noncustodial parent who
10 maintains an account at such financial institution and who owes past
11 due support, as identified by the state agency by name and social
12 security number or other taxpayer number; and

13 (2) Under which such financial institution, in response to a notice of lien or
14 an execution, will encumber or surrender, as the case may be, assets
15 held by such institution on behalf of any noncustodial parent who is
16 subject to a lien for unpaid child support.

17 **SECTION 22. AMENDMENT.** Section 50-09-08.3 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **50-09-08.3. Administrative enforcement in interstate cases.** In acting as the official
20 agency of the state in administering the child support program under title IV-D, the state
21 agency, directly or through agents and county agencies:

22 1. ~~Shall respond within five business days of receipt of a request made by another~~
23 ~~state to enforce a child support order~~ use high-volume automated administrative
24 enforcement, to the same extent as used in intrastate cases, in response to a
25 request made by another state to enforce a child support order, and shall promptly
26 report the results of such enforcement procedure to the requesting state;

27 2. May transmit requests, by electronic or other means, to other states ~~requests~~ for
28 assistance in cases involving enforcement of child support orders which include
29 information provided and intended to enable the receiving state to compare
30 information about the case to information in the data bases of the receiving state,
31 and which constitute a certification:

- 1 a. Of the amount of arrearages, if any, under the child support order; and
- 2 b. That procedural due process requirements applicable to the case have been
- 3 complied with;
- 4 3. In cases in which the state agency receives requests made by another state to
- 5 enforce a child support order, shall not consider that matter a child support case
- 6 transferred to this state; and
- 7 4. Shall maintain records of:
- 8 a. The number of requests for assistance made by other states;
- 9 b. The number of cases in which this state collected support in response to
- 10 requests made by other states; and
- 11 c. The amount of support collected.

12 For purposes of this section, the term "high-volume automated administrative enforcement"
13 means, in interstate cases, on request of another state, the identification, by this state, through
14 automated data matches with financial institutions and other entities where assets may be
15 found, of assets owned by persons who owe child support in another state, and the seizure of
16 such assets, by this state, through levy or other appropriate processes.

17 **SECTION 23. AMENDMENT.** Section 50-09-08.5 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **50-09-08.5. Securing assets to satisfy ~~past due~~ child support.** In acting as the
20 official agency of the state in administering the child support program under title IV-D, in cases
21 in which there is past due child support, the state agency may secure assets to satisfy any
22 current support obligation and the past due amount by issuing writs of execution under chapter
23 28-21. Those writs of execution may be used to secure or seize property including:

- 24 1. Periodic or lump sum payments from:
 - 25 a. An agency administering unemployment compensation benefits, workers'
 - 26 compensation benefits, or other benefits; and
 - 27 b. Judgments, settlements, and gaming proceeds otherwise belonging to the
 - 28 obligor, or payable upon the obligor's demand;
- 29 2. Assets of the obligor held in financial institutions; and
- 30 3. Public and private retirement funds.

1 **SECTION 24. REPEAL.** Section 14-09-14 of the North Dakota Century Code is
2 repealed.

3 **SECTION 25. REPEAL.** Section 14-09-27 of the North Dakota Century Code is
4 repealed.

5 **SECTION 26. EFFECTIVE DATE.** Sections 9 and 25 of this Act are effective July 1,
6 1999.

7 **SECTION 27. EMERGENCY.** Sections 9 and 25 of this Act are declared to be an
8 emergency measure.