

FIRST ENGROSSMENT
with Senate Amendments

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED 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 create and enact a new section to chapter 14-09 of the North Dakota
2 Century Code, relating to a statement regarding interest on unpaid child support; and to amend
3 and reenact subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to
4 interest on unpaid child support.

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

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

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

1 **SECTION 2.** A new section to chapter 14-09 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Child support order - Required interest statement.** Each judgment or order
4 requiring the payment of child support must include a statement that the child support obligation
5 will accrue interest if not timely paid. Accrual of interest and validity of the order are not
6 affected by a failure to include the statement required by this section.