

SENATE BILL NO. 2288

Introduced by

Senators Fischer, Heitkamp, J. Lee

Representatives Devlin, Koppelman, Weisz

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 transfers of funds for payment of child support; to amend and reenact
3 section 14-09-09.24 of the North Dakota Century Code, relating to income withholding for child
4 support purposes; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 14-09-09.24 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **14-09-09.24. Immediate income withholding.**

- 9 1. Except as provided in subsection 2 or 3, each judgment or order which requires the
10 payment of child support, issued or modified on or after January 1, 1990, subjects
11 the income of the obligor to income withholding, regardless of whether the obligor's
12 support payments are delinquent.
- 13 2. If a party to a proceeding, who would otherwise be subject to immediate income
14 withholding under subsection 1, demonstrates, and the court finds that there is
15 good cause not to require immediate withholding, or if the parties, including any
16 assignee of support rights, reach a written agreement that provides for an
17 alternative arrangement for assuring the regular payment of child support, the court
18 need not subject the income of the obligor to immediate withholding.
- 19 3. If an obligor, who would otherwise be subject to immediate income withholding
20 under subsection 1 in at least one case in which services are being provided by a
21 child support agency under title IV-D, demonstrates, and a child support agency
22 finds there is good cause not to require immediate income withholding, the child
23 support agency may enter into a written agreement with an obligor that provides for
24 an alternate payment arrangement in lieu of immediate income withholding.

1 Notwithstanding section 14-09-09.13, any failure to comply with an agreement
2 under this subsection subjects the income of the obligor to income withholding
3 under this section. Any obligee aggrieved by a finding of a child support agency
4 under this subsection may seek review of the finding under subsection 2 of section
5 50-09-14.

6 4. A finding that there is good cause not to require immediate income withholding
7 under subsection 2 or 3 must be based on at least:

- 8 a. A written determination that, and an explanation of why, implementing
9 immediate income withholding would not be in the best interests of the child;
10 b. Proof of timely payment of previously ordered support, if any; and
11 c. A requirement that the obligor keep the clerk and the public authority informed
12 of any employment-related health insurance to which the obligor has access.

13 4. 5. A written agreement for an alternative arrangement for assuring the regular
14 payment of child support is effective only if the agreement at least, in addition to
15 other conditions the parties agree to:

- 16 a. Provides that the obligor shall keep the clerk and the public authority informed
17 of any employment-related health insurance to which the obligor has access;
18 b. Describes the provisions by which regular payment of child support is
19 assured; and
20 c. Is reviewed and approved by the court and entered into the court's records.

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

23 **Transfers of funds for payment of child support.** If a court determines that income
24 withholding under this chapter is inapplicable, ineffective, or insufficient to ensure monthly
25 payment of child support as determined under section 14-09-09.30, a court may, and upon
26 request of a child support agency shall, order an obligor to identify or establish a deposit
27 account that allows for periodic transfers of funds for payment of child support and to execute
28 any necessary agreement for preauthorized transfers of funds from the account to the state
29 disbursement unit for the payment of child support. An obligor who fails to comply with this
30 section or make sufficient funds available to satisfy any preauthorized transfer, or who stops

1 payment or revokes authorization for any preauthorized transfer, may be punished for contempt
2 of court.

3 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.