Sixty-fifth Legislative Assembly of North Dakota

## **SENATE BILL NO. 2277**

Introduced by

Senator Wardner

Representative Lefor

- 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 child support obligations of incarcerated parents.

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

- 4 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is created and enacted as follows:
- 6 Child support obligation of incarcerated parents.
- 1. A monthly support obligation established under any provision of this code and in effect
  after December 31, 2017, expires by operation of law upon incarceration of the obligor
  under a sentence of one hundred eighty days or longer, excluding credit for time
- 10 <u>served before sentencing.</u>
- Notwithstanding subsection 1, a monthly support obligation may be established for an obligor who is incarcerated under a sentence of one hundred eighty days or longer if the obligation is based on actual income of the obligor and the moving party makes a prima facie showing that the obligor's income exceeds the minimum amount provided
- in the guidelines established under section 14-09-09.7.
- As used in this section, "incarceration" means placement of an obligor in a custodial
  setting in which the obligor is not permitted to earn wages from employment outside
- the correctional facility, and does not include probation or work release.
- 4. The expiration of a monthly support obligation under subsection 1 does not affect any
  past-due support that is owed before the expiration of the obligation.