

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 443

Short Title: TPR/Arrearage of Child Support Owed/Forgive. (Public)

Sponsors: Senators Krawiec, Burgin, and Corbin (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2023

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE CHILD SUPPORT OWED IN CERTAIN CASES WHERE THE CHILD IS PLACED IN FOSTER CARE AND THE ABILITY TO SUSPEND AND REDUCE CHILD SUPPORT OWED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7B-904 reads as rewritten:

"§ 7B-904. Authority over parents of juvenile adjudicated as abused, neglected, or dependent.

...

(d) At the dispositional hearing or a subsequent hearing, when legal custody of a juvenile is vested in someone other than the juvenile's parent, ~~if the court finds that the parent is able to do so, the court may order that the parent pay a reasonable sum that will cover, in whole or in part, the support of the juvenile after the order is entered. If the court requires the payment of child support, the amount of the payments shall be determined as provided in G.S. 50-13.4(e). If the court places a juvenile in the custody of a county department of social services and if the court finds that the parent is unable to pay the cost of the support required by the juvenile, the cost of the support of the juvenile shall be paid by the county department of social services in whose custody the juvenile is placed, provided the juvenile is not receiving care in an institution owned or operated by the State or federal government or any subdivision thereof.~~

(d1) At the dispositional hearing or a subsequent hearing, the court may order the parent, guardian, custodian, or caretaker served with a copy of the summons pursuant to G.S. 7B-407 to do any of the following:

- (1) Attend and participate in parental responsibility classes if those classes are available in the judicial district in which the parent, guardian, custodian, or caretaker resides.
- (2) Provide, to the extent that person is able to do so, transportation for the juvenile to keep appointments for medical, psychiatric, psychological, or other treatment ordered by the court if the juvenile remains in or is returned to the home.
- (3) Take appropriate steps to remedy conditions in the home that led to or contributed to the juvenile's adjudication or to the court's decision to remove custody of the juvenile from the parent, guardian, custodian, or caretaker.

(e) Upon motion of a party or upon the court's own motion, the court may issue an order directing the parent, guardian, custodian, or caretaker served with a copy of the summons pursuant to G.S. 7B-407 to appear and show cause why the parent, guardian, custodian, or caretaker should not be found or held in civil or criminal contempt for willfully failing to comply



1 with an order of the court. Chapter 5A of the General Statutes shall govern contempt proceedings
2 initiated pursuant to this section."

3 **SECTION 1.(b)** G.S. 7B-1114 reads as rewritten:

4 "**§ 7B-1114. Reinstatement of parental rights.**

5 ...

6 ~~(n) A parent whose rights are reinstated pursuant to this section is not liable for child~~
7 ~~support or the costs of any services provided to the juvenile for the period from the date of the~~
8 ~~order terminating the parent's rights to the date of the order reinstating the parent's rights."~~

9 **SECTION 2.** G.S. 50-13.10 reads as rewritten:

10 "**§ 50-13.10. Past due child support vested; not subject to retroactive modification; entitled**
11 **to full faith and credit.**

12 ...

13 (d) For purposes of this section, a child support payment or the relevant portion thereof,
14 is not past due, and no arrearage accrues:

15 (1) From and after the date of the death of the minor child for whose support the
16 payment, or relevant portion, is made;

17 (2) From and after the date of the death of the supporting party;

18 (3) During any period when the child is living with the supporting party pursuant
19 to a valid court order or to an express or implied written or oral agreement
20 transferring primary custody to the supporting party;

21 (4) During any period when the supporting party is incarcerated, is not on work
22 release, and has no resources with which to make the payment.

23 (5) For foster care assistance owed to the State by the supporting party during any
24 period when the child is placed in foster care.

25"

26 **SECTION 3.** Article 9 of Chapter 110 of the General Statutes is amended by adding
27 a new section to read:

28 "**§ 110-135.1. Foster care assistance payments.**

29 (a) Upon motion in the cause by either party and a showing that the child has been placed
30 in foster care, all of the following shall occur:

31 (1) The obligor's child support obligation, if owed to the State, shall be suspended
32 during any period when the child is placed in the custody of a county
33 department of social services.

34 (2) Any foster care assistance arrears owed to the State for past paid foster care
35 assistance shall be reduced to zero under G.S. 50-13.10.

36 (b) Nothing in this section shall be construed to create a debt owed to the obligor."

37 **SECTION 4.** This act is effective when it becomes law and applies to cases, motions,
38 or petitions filed or pending on or after that date.