



SALLY HOLEWA
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
Bismarck, ND 58505-0530
701: (701) 328-4216
Fax: (701) 328-2092

TO: Chief Justice Gerald W. VandeWalle
FROM: Sally Holewa ^{CAK}
DATE: July 23, 2014
RE: Proposed Change to Policy 505 - Section 9. Child Support

At its last meeting, the Administrative Council considered a proposal from Jim Fleming, Director of the State Child Support Enforcement Unit, to add a new provision to Section 9 of Policy 505.

Mr. Fleming proposed this new paragraph:

Unless otherwise specified by court order, the current monthly support obligation will terminate when the obligor of the current support obligation has been awarded primary residential responsibility of the child or children on whose behalf the obligation is owed. This paragraph applies whether primary residential responsibility has been changed in the same civil file or a separate civil file, even if venue is in a different county, as long as each order has been issued by a North Dakota court. If primary residential responsibility is changed in a separate civil file, a certified copy of the order awarding primary residential responsibility to the obligor must be filed with the prior established order.

At the meeting, Mr. Fleming explained that when this situation occurs, parents assume that the later court order automatically stopped the child support obligation and are shocked and frustrated when they learn that the obligation continues to accrue until they file a motion to modify support and the motion is decided.

After further discussion, the Administrative Council recommended that the proposed change be referred to you along with a request that it be sent to an appropriate committee for further study.

A copy of Policy 505 and Mr. Fleming's May 16, 2014 memo to me are attached. Please note that the first section of the memo suggesting changes to Policy 505 in regard to adoption of a minor child following termination of parental rights was adopted by the Administrative Council and no further action needs to be taken in that regard.

Attachments