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Sixty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2132

Introduced by

Senators Kreun, Poolman, K. Roers, Vedaa

Representatives Ista, O'Brien

1   A BILL for an Act to amend and reenact section 14-09-09.38 of the North Dakota Century Code,

2   relating to suspending a child support obligation of an incarcerated parent.

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

4   **SECTION 1. AMENDMENT.** Section 14-09-09.38 of the North Dakota Century Code is

5   amended and reenacted as follows:

6   **14-09-09.38. Child support obligation of incarcerated parents.**

7   1.   A monthly support obligation established under any provision of this code and in effect

8   after December 31, 2017, ~~expires~~is suspended by operation of law upon incarceration,

9   and until sixty days after release, of the obligor under a sentence of one hundred

10   eighty days or longer, excluding credit for time served before sentencing. The

11   obligation recommences sixty days after the obligor is released from incarceration and

12   remains at the same amount as set at the time of the obligation's suspension unless

13   modified by the court upon motion of the obligor.

14   2.   Notwithstanding subsection 1, a monthly support obligation may be established for an

15   obligor ~~who is~~ incarcerated under a sentence of one hundred eighty days or longer if

16   the obligation is based on actual income of the obligor and the moving party makes a

17   prima facie showing ~~that~~ the obligor's income exceeds the minimum amount provided

18   in the guidelines established under section 14-09-09.7.

19   3.   As used in this section, "incarceration" means placement of an obligor in a custodial

20   setting in which the obligor is not permitted to earn wages from employment outside

21   the correctional facility, and does not include probation or work release.

22   4.   The ~~expiration~~suspension of a monthly support obligation under subsection 1 does not

23   affect any past-due support ~~that is~~ owed before the ~~expiration~~suspension of the

24   obligation.