

Chapter 52C.
Uniform Interstate Family Support Act.
Article 1.
General Provisions.

§ 52C-1-100. Short title.

This Chapter may be cited as the Uniform Interstate Family Support Act. (1995, c. 538, s. 7(c).)

§ 52C-1-101. Definitions.

As used in this Article, unless the context clearly requires otherwise, the term:

- (1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.
- (2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.
- (3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.
- (4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six-months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.
- (5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.
- (6) "Income-withholding order" means an order or other legal process directed to a payer of income to withhold support from the income of the obligor.
- (7) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this Act or a law or procedure substantially similar to this Act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.
- (8) "Initiating tribunal" means the authorized tribunal in an initiating state.
- (9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.
- (10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.
- (11) "Law" includes decisional and statutory law and rules and regulations having the force of law.
- (12) "Obligee" means:
 - a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;
 - b. A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or
 - c. An individual seeking a judgment determining parentage of the individual's child.

- 1 (13) "Obligor" means an individual, or the estate of a decedent:
2 a. Who owes or is alleged to owe a duty of support;
3 b. Who is alleged but has not been adjudicated to be a parent of a child;
4 or
5 c. Who is liable under a support order.
6 (14) "Register" means to file a support order or judgment determining paternity in
7 the appropriate location for the recording or filing of foreign judgments
8 generally or foreign support orders specifically.
9 (15) "Registering tribunal" means a tribunal in which a support order is
10 registered.
11 (16) "Responding state" means a state in which a proceeding is filed or to which a
12 proceeding is forwarded for filing from an initiating state under this Act or a
13 law or procedure substantially similar to this Act, the Uniform Reciprocal
14 Enforcement of Support Act, or the Revised Uniform Reciprocal
15 Enforcement of Support Act.
16 (17) "Responding tribunal" means the authorized tribunal in a responding state.
17 (18) "Spousal-support order" means a support order for a spouse or former spouse
18 of the obligor.
19 (19) "State" means a state of the United States, the District of Columbia, Puerto
20 Rico, the United States Virgin Islands, or any territory or insular possession
21 subject to the jurisdiction of the United States. The term includes:
22 a. An Indian tribe; and
23 b. A foreign jurisdiction that has enacted a law or established
24 procedures for issuance and enforcement of support orders which are
25 substantially similar to the procedures under this Act, the Uniform
26 Reciprocal Enforcement of Support Act, or the Revised Uniform
27 Reciprocal Enforcement of Support Act.
28 (20) "Support enforcement agency" means a public official or agency authorized
29 to seek:
30 a. Enforcement of support orders or duties of support;
31 b. Establishment or modification of child support;
32 c. Determination of parentage; or
33 d. To locate obligors or their assets.
34 (21) "Support order" means a judgment, decree, or order, whether temporary,
35 final, or subject to modification, for the benefit of a child, a spouse, or a
36 former spouse, which provides for monetary support, health care, arrears, or
37 reimbursement, and may include related costs and fees, interest, income
38 withholding, attorneys' fees, and other relief.
39 (22) "Tribunal" means a court, administrative agency, or quasi-judicial entity
40 authorized to establish, enforce, or modify support orders or to determine
41 paternity, except that, for matters heard in this State, tribunal means the
42 General Court of Justice, District Court Division. (1995, c. 538, s. 7(c);
43 1997-433, s. 10; 1997-456, s. 27; 1998-17, s. 1.)
44

45 **§ 52C-1-102. District court has jurisdiction under this Act.**

46 The General Court of Justice, District Court Division is the court authorized to hear matters
47 under this Act. (1995, c. 538, s. 7(c).)
48

49 **§ 52C-1-103. Remedies.**

50 Remedies provided by this Act are cumulative and do not affect the availability of remedies
51 under other law. (1995, c. 538, s. 7(c).)

1
2
3 Article 2.
4 Jurisdiction.

5 Part 1. Extended Personal Jurisdiction.

6 **§ 52C-2-201. Bases for jurisdiction over nonresident.**

7 In a proceeding to establish, enforce, or modify a support order or to determine parentage, a
8 tribunal of this State may exercise personal jurisdiction over a nonresident individual or the
9 individual's guardian or conservator if:

- 10 (1) The individual is personally served with a summons and complaint within
11 this State;
12 (2) The individual submits to the jurisdiction of this State by consent, by
13 entering a general appearance, or by filing a responsive document having the
14 effect of waiving any contest to personal jurisdiction;
15 (3) The individual resided with the child in this State;
16 (4) The individual resided in this State and provided prenatal expenses or
17 support for the child;
18 (5) The child resides in this State as a result of the acts or directives of the
19 individual;
20 (6) The individual engaged in sexual intercourse in this State and the child may
21 have been conceived by that act of intercourse;
22 (7) The individual asserted paternity in an affidavit which has been filed with
23 the clerk of superior court; or
24 (8) There is any other basis consistent with the constitutions of this State and the
25 United States for the exercise of personal jurisdiction. (1995, c. 538, s. 7(c).)
26

27 **§ 52C-2-202. Procedure when exercising jurisdiction over nonresident.**

28 A court of this State exercising personal jurisdiction over a nonresident under G.S.
29 52C-2-201 may apply G.S. 52C-3-315 to receive evidence from another state, and G.S.
30 52C-3-317 to obtain discovery through a tribunal of another state. In all other respects, Articles
31 3 through 7 of this Chapter do not apply and the tribunal shall apply the procedural and
32 substantive law of this State, including the rules on choice of law other than those established
33 by this Chapter. (1995, c. 538, s. 7(c).)
34

35 Part 2. Proceedings Involving Two or More States.

36 **§ 52C-2-203. Initiating and responding tribunal of state.**

37 Under this Chapter, a tribunal of this State may serve as an initiating tribunal to forward
38 proceedings to another state and as a responding tribunal for proceedings initiated in another
39 state. (1995, c. 538, s. 7(c); 1997-433, s. 10.1; 1998-17, s. 1.)
40

41 **§ 52C-2-204. Simultaneous proceedings in another state.**

42 (a) A tribunal of this State may exercise jurisdiction to establish a support order if the
43 petition or comparable pleading is filed after a petition or comparable pleading is filed in
44 another state only if:

- 45 (1) The petition or comparable pleading in this State is filed before the
46 expiration of the time allowed in the other state for filing a responsive
47 pleading challenging the exercise of jurisdiction by the other state;
48 (2) The contesting party timely challenges the exercise of jurisdiction in the
49 other state; and
50 (3) If relevant, this State is the home state of the child.

1 (b) A tribunal of this State may not exercise jurisdiction to establish a support order if
2 the petition or comparable pleading is filed before a petition or comparable pleading is filed in
3 another state if:

- 4 (1) The petition or comparable pleading in the other state is filed before the
5 expiration of the time allowed in this State for filing a responsive pleading
6 challenging the exercise of jurisdiction by this State;
- 7 (2) The contesting party timely challenges the exercise of jurisdiction in this
8 State; and
- 9 (3) If relevant, the other state is the home state of the child. (1995, c. 538, s.
10 7(c).)

11
12 **§ 52C-2-205. Continuing, exclusive jurisdiction.**

13 (a) A tribunal of this State issuing a support order consistent with the law of this State
14 has continuing, exclusive jurisdiction over a child support order:

- 15 (1) As long as this State remains the residence of the obligor, the individual
16 obligee, or the child for whose benefit the support order is issued; or
- 17 (2) Until all of the parties who are individuals have filed written consents with
18 the tribunal of this State for a tribunal of another state to modify the order
19 and assume continuing, exclusive jurisdiction.

20 (b) A tribunal of this State issuing a child support order consistent with the law of this
21 State may not exercise its continuing jurisdiction to modify the order if the order has been
22 modified by a tribunal of another state pursuant to a law substantially similar to this Chapter.

23 (c) If a child support order of this State is modified by a tribunal of another state
24 pursuant to a law substantially similar to this Chapter, a tribunal of this State loses its
25 continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in
26 this State, and may only:

- 27 (1) Enforce the order that was modified as to amounts accruing before the
28 modification;
- 29 (2) Enforce nonmodifiable aspects of that order; and
- 30 (3) Provide other appropriate relief for violations of that order which occurred
31 before the effective date of the modification.

32 (d) A tribunal of this State shall recognize the continuing, exclusive jurisdiction of a
33 tribunal of another state which has issued a child support order pursuant to a law substantially
34 similar to this Chapter.

35 (e) A temporary support order issued ex parte or pending resolution of a jurisdictional
36 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

37 (f) A tribunal of this State issuing a support order consistent with the law of this State
38 has continuing, exclusive jurisdiction over a spousal support order throughout the existence of
39 the support obligation. A tribunal of this State may not modify a spousal support order issued
40 by a tribunal of another state having continuing, exclusive jurisdiction over that order under the
41 law of that state. (1995, c. 538, s. 7(c); 1997-433, s. 10.2; 1998-17, s. 1.)

42
43 **§ 52C-2-206. Enforcement and modification of support order by tribunal having**
44 **continuing jurisdiction.**

45 (a) A tribunal of this State may serve as an initiating tribunal to request a tribunal of
46 another state to enforce or modify a support order issued in that state.

47 (b) A tribunal of this State having continuing, exclusive jurisdiction over a support
48 order may act as a responding tribunal to enforce or modify the order. If a party subject to the
49 continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in
50 subsequent proceedings the tribunal may apply G.S. 52C-3-315 to receive evidence from
51 another state and G.S. 52C-3-317 to obtain discovery through a tribunal of another state.

1 (c) A tribunal of this State which lacks continuing, exclusive jurisdiction over a spousal
2 support order may not serve as a responding tribunal to modify a spousal support order of
3 another state. (1995, c. 538, s. 7(c).)
4

5 Part 3. Reconciliation of Multiple Orders.

6 **§ 52C-2-207. Recognition of controlling child support order.**

7 (a) If a proceeding is brought under this Chapter and only one tribunal has issued a
8 child support order, the order of that tribunal controls and must be so recognized.

9 (b) If a proceeding is brought under this Chapter, and two or more child support orders
10 have been issued by tribunals of this State or another state with regard to the same obligor and
11 child, a tribunal of this State shall apply the following rules in determining which order to
12 recognize for purposes of continuing, exclusive jurisdiction:

13 (1) If only one of the tribunals would have continuing, exclusive jurisdiction
14 under this Chapter, the order of that tribunal controls and must be so
15 recognized.

16 (2) If more than one of the tribunals would have continuing, exclusive
17 jurisdiction under this Chapter, an order issued by a tribunal in the current
18 home state of the child controls and must be so recognized, but if an order
19 has not been issued in the current home state of the child, the order most
20 recently issued controls and must be so recognized.

21 (3) If none of the tribunals would have continuing, exclusive jurisdiction under
22 this Chapter, the tribunal of this State having jurisdiction over the parties
23 shall issue a child support order, which controls and must be so recognized.

24 (c) If two or more child support orders have been issued for the same obligor and child
25 and if the obligor or the individual obligee resides in this State, a party may request a tribunal
26 of this State to determine which order controls and must be so recognized under subsection (b)
27 of this section. The request must be accompanied by a certified copy of every support order in
28 effect. The requesting party shall give notice of the request to each party whose rights may be
29 affected by a certified copy of every support order in the effect. The requesting party shall give
30 notice of the request to each party whose rights may be affected by the determination.

31 (d) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this
32 section is the tribunal that has continuing, exclusive jurisdiction under G.S. 52C-2-205.

33 (e) A tribunal of this State which determines by order the identity of the controlling
34 order under subdivision (b)(1) or (2) of this section or which issues a new controlling order
35 under subdivision (b)(3) of this section shall state in that order the basis upon which the
36 tribunal made its determination.

37 (f) Within 30 days after issuance of an order determining the identity of the controlling
38 order, the party obtaining the order shall file a certified copy of it with each tribunal that issued
39 or registered an earlier order of child support. A party who obtains the order and fails to file a
40 certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to
41 file arises. The failure to file does not affect the validity or enforceability of the controlling
42 order. (1995, c. 538, s. 7(c); 1997-433, s. 10.3(b); 1998-17, s. 1.)
43

44 **§ 52C-2-208. Multiple child support orders for two or more obligees.**

45 In responding to multiple registrations or petitions for enforcement of two or more child
46 support orders in effect at the same time with regard to the same obligor and different
47 individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of
48 this State shall enforce those orders in the same manner as if the multiple orders had been
49 issued by a tribunal of this State. (1995, c. 538, s. 7(c).)
50

51 **§ 52C-2-209. Credit for payments.**

1 Amounts collected and credited for a particular period pursuant to a support order issued by
2 a tribunal of another state must be credited against the amounts accruing or accrued for the
3 same period under a support order issued by the tribunal of this State. (1995, c. 538, s. 7(c).)
4

5 Article 3.

6 Civil Provisions of General Application.

7 **§ 52C-3-301. Proceedings under this Chapter.**

8 (a) Except as otherwise provided in this Chapter, this Article applies to all proceedings
9 under this Chapter.

10 (b) This Chapter provides for the following proceedings:

- 11 (1) Establishment of an order for spousal support or child support pursuant to
12 Article 4 of this Chapter;
- 13 (2) Enforcement of a support order and income withholding order of another
14 state without registration pursuant to Article 5 of this Chapter;
- 15 (3) Registration of an order for spousal support or child support of another state
16 or enforcement pursuant to Article 6 of this Chapter;
- 17 (4) Modification of an order for child support or spousal support issued by a
18 tribunal of this State pursuant to Article 2, Part 2 of this Chapter;
- 19 (5) Registration of an order for child support of another state for modification
20 pursuant to Article 6 of this Chapter;
- 21 (6) Determination of paternity pursuant to Article 7 of this Chapter; and
- 22 (7) Assertion of jurisdiction over nonresidents pursuant to Article 2, Part 1 of
23 this Chapter.

24 (c) An individual petitioner or a support enforcement agency may commence a
25 proceeding authorized under this Chapter by filing a petition in an initiating tribunal for
26 forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a
27 tribunal of another state which has or can obtain personal jurisdiction over the respondent.
28 (1995, c. 538, s. 7(c).)
29

30 **§ 52C-3-302. Action by minor parent.**

31 A minor parent, or a guardian or other legal representative of a minor parent, may maintain
32 a proceeding on behalf of or for the benefit of the minor's child. (1995, c. 538, s. 7(c).)
33

34 **§ 52C-3-303. Application of law of this State.**

35 Except as otherwise provided by this Chapter, a responding tribunal of this State:

- 36 (1) Shall apply the procedural and substantive law, including the rules on choice
37 of law, generally applicable to similar proceedings originating in this State
38 and may exercise all powers and provide all remedies available in those
39 proceedings; and
- 40 (2) Shall determine the duty of support and the amount payable in accordance
41 with the law and support guidelines of this State. (1995, c. 538, s. 7(c).)
42

43 **§ 52C-3-304. Duties of initiating tribunal.**

44 (a) Upon the filing of a petition authorized by this Chapter, an initiating tribunal of this
45 State shall forward three copies of the petition and its accompanying documents:

- 46 (1) To the responding tribunal or appropriate support enforcement agency in the
47 responding state; or
- 48 (2) If the identity of the responding tribunal is unknown, to the state information
49 agency of the responding state with a request that they be forwarded to the
50 appropriate tribunal and that receipt be acknowledged.

1 (b) If a responding state has not enacted this act or a law or procedure substantially
2 similar to this act, a tribunal of this State may issue a certificate or other document and make
3 findings required by the law of the responding state. If the responding State is a foreign
4 jurisdiction, the tribunal may specify the amount of support sought and provide other
5 documents necessary to satisfy the requirements of the responding state. (1995, c. 538, s. 7(c);
6 1997-433, s. 10.4; 1998-17, s. 1.)
7

8 **§ 52C-3-305. Duties and powers of responding tribunal.**

9 (a) When a responding tribunal of this State receives a petition or comparable pleading
10 from an initiating tribunal or directly pursuant to G.S. 52C-3-301(c) it shall cause the petition
11 or pleading to be filed and notify the petitioner where and when it was filed.

12 (b) A responding tribunal of this State, to the extent otherwise authorized by law, may
13 do one or more of the following:

- 14 (1) Issue or enforce a support order, modify a child support order, or render a
15 judgment to determine parentage;
- 16 (2) Order an obligor to comply with a support order, specifying the amount and
17 the manner of compliance;
- 18 (3) Order income withholding;
- 19 (4) Determine the amount of any arrears, and specify a method of payment;
- 20 (5) Enforce orders by civil or criminal contempt, or both;
- 21 (6) Set aside property for satisfaction of the support order;
- 22 (7) Place liens and order execution on the obligor's property;
- 23 (8) Order an obligor to keep the tribunal informed of the obligor's current
24 residential address, telephone number, employer, address of employment,
25 and telephone number at the place of employment;
- 26 (9) Issue an order for arrest for an obligor who has failed after proper notice to
27 appear at a hearing ordered by the tribunal and enter the order for arrest in
28 any local and State computer systems for criminal warrants;
- 29 (10) Order the obligor to seek appropriate employment by specified methods;
- 30 (11) Award reasonable attorneys' fees and other fees and costs; and
- 31 (12) Grant any other available remedy.

32 (c) A responding tribunal of this State shall include in a support order issued under this
33 Chapter, or in the documents accompanying the order, the calculations on which the support
34 order is based.

35 (d) A responding tribunal of this State may not condition the payment of a support order
36 issued under this Chapter upon compliance by a party with provisions for visitation.

37 (e) If a responding tribunal of this State issues an order under this Chapter, the tribunal
38 shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal,
39 if any. (1995, c. 538, s. 7(c); 1997-433, s. 10.5; 1998-17, s. 1.)
40

41 **§ 52C-3-306. Inappropriate tribunal.**

42 If a petition or comparable pleading is received by an inappropriate tribunal of this State, it
43 shall forward the pleading and accompanying documents to an appropriate tribunal in this State
44 or another state and notify the petitioner where and when the pleading was sent. (1995, c. 538,
45 s. 7(c); 1997-433, s. 10.6; 1998-17, s. 1.)
46

47 **§ 52C-3-307. Duties of support enforcement agency.**

48 (a) A support enforcement agency of this State, upon request, shall provide services to a
49 petitioner in a proceeding under this Chapter.

50 (b) A support enforcement agency that is providing services to the petitioner as
51 appropriate shall:

- 1 (1) Take all steps necessary to enable an appropriate tribunal in this State or
2 another state to obtain jurisdiction over the respondent;
- 3 (2) Request an appropriate tribunal to set a date, time, and place for a hearing;
- 4 (3) Make a reasonable effort to obtain all relevant information, including
5 information as to income and property of the parties;
- 6 (4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after
7 receipt of a written notice from an initiating, responding, or registering
8 tribunal, send a copy of the notice to the petitioner;
- 9 (5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after
10 receipt of a written communication from the respondent or the respondent's
11 attorney, send a copy of the communication to the petitioner; and
- 12 (6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

13 (c) This Chapter does not create or negate a relationship of attorney and client or other
14 fiduciary relationship between a support enforcement agency or the attorney for the agency and
15 the individual being assisted by the agency. (1995, c. 538, s. 7(c); 1997-433, s. 10.7; 1998-17,
16 s. 1.)
17

18 **§ 52C-3-308. Representation of obligee.**

19 It shall be the duty of the district attorney to represent the obligee in proceedings authorized
20 by this Chapter unless alternative arrangements are made by the obligee. An obligee may
21 employ private counsel to represent the obligee in proceedings authorized by this Chapter.
22 (1995, c. 538, s. 7(c).)
23

24 **§ 52C-3-309. Duties of State information agency.**

25 (a) The Department of Health and Human Services, Division of Social Services, is
26 designated as the State information agency under this Chapter.

27 (b) The State information agency shall:

- 28 (1) Compile and maintain a current list, including addresses, of the tribunals in
29 this State which have jurisdiction under this Chapter and any support
30 enforcement agencies in this State and transmit a copy to the state
31 information agency of every other state;
- 32 (2) Maintain a register of tribunals and support enforcement agencies received
33 from other states;
- 34 (3) Forward to the appropriate tribunal in the place in this State in which the
35 individual obligee or the obligor resides, or in which the obligor's property is
36 believed to be located, all documents concerning a proceeding under this
37 Chapter received from an initiating tribunal or the state information agency
38 of the initiating state; and
- 39 (4) Obtain information concerning the location of the obligor and the obligor's
40 property within this State not exempt from execution, by such means as
41 postal verification and federal or state locator services, examination of
42 telephone directories, requests for the obligor's address from employers, and
43 examination of governmental records, including, to the extent not prohibited
44 by other law, those relating to real property, vital statistics, law enforcement,
45 taxation, motor vehicles, drivers licenses, and social security. (1995, c. 538,
46 s. 7(c); 1997-443, s. 11A.118(a).)
47

48 **§ 52C-3-310. Pleadings and accompanying documents.**

49 (a) A petitioner seeking to establish or modify a support order or to determine
50 parentage in a proceeding under this Chapter must verify the petition. Unless otherwise ordered
51 under G.S. 52C-3-311, the petition or accompanying documents must provide, so far as known,

1 the name, residential address, and social security numbers of the obligor and the obligee, and
2 the name, sex, residential address, social security number, and date of birth of each child for
3 whom support is sought. The petition must be accompanied by a certified copy of any support
4 order in effect. The petition may include any other information that may assist in locating or
5 identifying the respondent.

6 (b) The petition must specify the relief sought. The petition and accompanying
7 documents must conform substantially with the requirements imposed by the forms mandated
8 by federal law for use in cases filed by a support enforcement agency. (1995, c. 538, s. 7(c).)
9

10 **§ 52C-3-311. Nondisclosure of information in exceptional circumstances.**

11 Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or
12 child would be unreasonably put at risk by the disclosure of identifying information, or if an
13 existing order so provides, a tribunal shall order that the address of the child or party or other
14 identifying information not be disclosed in a pleading or other document filed in a proceeding
15 under this Chapter. (1995, c. 538, s. 7(c).)
16

17 **§ 52C-3-312. Costs and fees.**

18 (a) The petitioner shall not be required to pay a filing fee or other costs.

19 (b) If an obligee prevails, a responding tribunal may assess against an obligor filing
20 fees, reasonable attorneys' fees, other costs, and necessary travel and other reasonable expenses
21 incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or
22 expenses against the obligee or the support enforcement agency of either the initiating or the
23 responding state, except as provided by other law. Attorneys' fees may be taxed as costs, and
24 may be ordered paid directly to the attorney, who may enforce the order in the attorney's own
25 name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

26 (c) The tribunal shall order the payment of costs and reasonable attorneys' fees if it
27 determines that a hearing was requested primarily for delay. In a proceeding under Article 6 of
28 this Chapter, a hearing is presumed to have been requested primarily for delay if a registered
29 support order is confirmed or enforced without change. (1995, c. 538, s. 7(c).)
30

31 **§ 52C-3-313. Limited immunity of petitioner.**

32 (a) Participation by a petitioner in a proceeding before a responding tribunal, whether in
33 person, by private attorney, or through services provided by the support enforcement agency,
34 does not confer personal jurisdiction over the petitioner in another proceeding.

35 (b) A petitioner is not amenable to service of civil process while physically present in
36 this State to participate in a proceeding under this Chapter.

37 (c) The immunity granted by this section does not extend to civil litigation based on
38 acts unrelated to a proceeding under this Chapter committed by a party while present in this
39 State to participate in the proceeding. (1995, c. 538, s. 7(c).)
40

41 **§ 52C-3-314. Nonparentage as defense.**

42 A party whose parentage of a child has been previously determined by or pursuant to law
43 may not plead nonparentage as a defense to a proceeding under this Chapter. (1995, c. 538, s.
44 7(c).)
45

46 **§ 52C-3-315. Special rules of evidence and procedure.**

47 (a) The physical presence of the petitioner in a responding tribunal of this State is not
48 required for the establishment, enforcement, or modification of a support order or the rendition
49 of a judgment determining parentage.

50 (b) A verified petition, affidavit, document substantially complying with federally
51 mandated forms, and a document incorporated by reference in any of them, not excluded under

1 the hearsay rule if given in person, is admissible in evidence if given under oath by a party or
2 witness residing in another state.

3 (c) A copy of the record of child support payments certified as a true copy of the
4 original by the custodian of the record may be forwarded to a responding tribunal. The copy is
5 evidence of facts asserted in it and is admissible to show whether payments were made.

6 (d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of
7 the mother and child, furnished to the adverse party at least 10 days before trial, are admissible
8 in evidence to prove the amount of the charges billed and that the charges were reasonable,
9 necessary, and customary.

10 (e) Documentary evidence transmitted from another state to a tribunal of this State by
11 telephone, telecopier, or other means that do not provide an original writing may not be
12 excluded from evidence on an objection based on the means of transmission.

13 (f) In a proceeding under this Chapter, a tribunal of this State may permit a party or
14 witness residing in another state to be deposed or to testify by telephone, audiovisual means, or
15 other electronic means at a designated tribunal or other location in that state. A tribunal of this
16 State shall cooperate with tribunals of other states in designating an appropriate location for the
17 deposition or testimony.

18 (g) If a party called to testify at a civil hearing refuses to answer on the ground that the
19 testimony may be self-incriminating, the trier of fact may draw an adverse inference from the
20 refusal.

21 (h) A privilege against disclosure of communication between spouses does not apply in
22 a proceeding under this Chapter.

23 (i) The defense of immunity based on the relationship of husband and wife or parent
24 and child does not apply in a proceeding under this Chapter. (1995, c. 538, s. 7(c).)
25

26 **§ 52C-3-316. Communications between tribunals.**

27 A tribunal of this State may communicate with a tribunal of another state in writing, or by
28 telephone or other means, to obtain information concerning the laws of that state, the legal
29 effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other
30 state. A tribunal of this State may furnish similar information by similar means to a tribunal of
31 another state. (1995, c. 538, s. 7(c).)
32

33 **§ 52C-3-317. Assistance with discovery.**

34 A tribunal of this State may request a tribunal of another state to assist in obtaining
35 discovery, and upon request, may compel a person over whom it has jurisdiction to respond to a
36 discovery order issued by a tribunal of another state. (1995, c. 538, s. 7(c).)
37

38 **§ 52C-3-318. Receipt and disbursement of payments.**

39 A support enforcement agency or tribunal of this State shall disburse promptly any amounts
40 received pursuant to a support order, as directed by the order. The agency or tribunal shall
41 furnish to a requesting party or tribunal of another state a certified statement by the custodian of
42 the record of the amounts and dates of all payments received. (1995, c. 538, s. 7(c).)
43

44 Article 4.

45 Establishment of Support Order.

46 **§ 52C-4-401. Petition to establish support order.**

47 (a) If a support order entitled to recognition under this Chapter has not been issued, a
48 responding tribunal of this State may issue a support order if:

49 (1) The individual seeking the order resides in another state; or

50 (2) The support enforcement agency seeking the order is located in another
51 state.

- 1 (b) The tribunal may issue a temporary child support order if:
2 (1) The respondent has signed a verified statement acknowledging parentage;
3 (2) The respondent has been determined by or pursuant to law to be the parent;
4 or
5 (3) There is other clear and convincing evidence that the respondent is the
6 child's parent.
- 7 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty
8 of support, the tribunal shall issue a support order directed to the obligor and may issue other
9 orders pursuant to G.S. 52C-3-305. (1995, c. 538, s. 7(c).)

10
11 Article 5.

12 Enforcement of Order of Another State Without Registration.

13 **§ 52C-5-501. Employer's receipt of income-withholding order of another state.**

14 (a) An income-withholding order issued in another state may be sent to the person or
15 entity defined or identified as the obligor's employer under the income-withholding provisions
16 of Chapter 50 or Chapter 110 of the General Statutes, as applicable, without first filing a
17 petition or comparable pleading or registering the order with a tribunal of this State. In the
18 event that an obligor is receiving unemployment compensation benefits from the Division of
19 Employment Security (DES) in accordance with G.S. 96-17, an income-withholding order
20 issued in another state may be sent to the DES without first filing a petition or comparable
21 pleading or registering the order with a tribunal of this State. Upon receipt of the order, the
22 employer or the DES shall:

- 23 (1) Treat an income-withholding order issued in another state which appears
24 regular on its face as if it had been issued by a tribunal of this State;
25 (2) Immediately provide a copy of the order to the obligor; and
26 (3) Distribute the funds as directed in the withholding order. The DES shall not
27 withhold an amount to exceed twenty-five percent (25%) of the
28 unemployment compensation benefits.

29 (b) Repealed by Session Laws 1997-433, s. 10.8. (1995, c. 538, s. 7(c); 1997-433, s.
30 10.8; 1998-17, s. 1; 1999-293, s. 5; 2011-401, s. 3.3.)

31
32 **§ 52C-5-502. Employer's compliance with income-withholding order of another state.**

33 (a) Upon receipt of an income-withholding order, the obligor's employer shall
34 immediately provide a copy of the order to the obligor.

35 (b) The employer shall treat an income-withholding order issued in another state which
36 appears regular on its face as if it had been issued by a tribunal of this State.

37 (c) Except as otherwise provided in subsection (d) of this section and G.S. 52C-5-503,
38 the employer shall withhold and distribute the funds as directed in the income-withholding
39 order by complying with terms of the order which specify:

- 40 (1) The duration and amount of periodic payments of current child support,
41 stated as a sum certain;
42 (2) The person or agency designated to receive payments and the address to
43 which the payments are to be forwarded;
44 (3) Medical support, whether in the form of periodic cash payment, stated as a
45 sum certain, or ordering the obligor to provide health insurance coverage for
46 the child under a policy available through the obligor's employment;
47 (4) The amount of periodic payments of fees and costs for a support
48 enforcement agency, the issuing tribunal, and the obligee's attorney, stated as
49 sums certain; and
50 (5) The amount of periodic payments of arrearages and interest on arrearages,
51 stated as sums certain.

1 (d) An employer shall comply with the law of the state of the obligor's principal place
2 of employment for withholding from income with respect to:

- 3 (1) The employer's fee for processing an income-withholding order;
- 4 (2) The maximum amount permitted to be withheld from the obligor's income;
5 and
- 6 (3) The times within which the employer must implement the
7 income-withholding order and forward the child support payment. (1995, c.
8 538, s. 7(c); 1997-433, s. 10.8; 1998-17, s. 1.)
9

10 **§ 52C-5-503. Compliance with multiple income-withholding orders.**

11 If an obligor's employer receives multiple income-withholding orders with respect to the
12 earnings of the same obligor, the employer satisfies the terms of the multiple orders if the
13 employer complies with the law of the state of the obligor's principal place of employment to
14 establish the priorities for withholding and allocating income withheld for multiple child
15 support obligees. (1997-433, s. 10.8; 1998-17, s. 1.)
16

17 **§ 52C-5-504. Immunity from civil liability.**

18 An employer who complies with an income-withholding order issued in another state in
19 accordance with this Article is not subject to civil liability to an individual or agency with
20 regard to the employer's withholding of child support from the obligor's income. (1997-433, s.
21 10.8; 1998-17, s. 1.)
22

23 **§ 52C-5-505. Penalties for noncompliance.**

24 An employer who willfully fails to comply with an income-withholding order issued by
25 another state and received for enforcement is subject to the same penalties that may be imposed
26 for noncompliance with an order issued by a tribunal of this State. (1997-433, s. 10.8; 1998-17,
27 s. 1.)
28

29 **§ 52C-5-506. Contest by obligor.**

30 (a) An obligor may contest the validity or enforcement of an income-withholding order
31 issued in another state and received directly by an employer in this State in the same manner as
32 if the order had been issued by a tribunal of this State. G.S. 52C-6-604 applies to the contest.

33 (b) The obligor shall give notice of the contest to:

- 34 (1) A support enforcement agency providing services to the obligee;
- 35 (2) Each employer that has directly received an income-withholding order; and
- 36 (3) The person or agency designated to receive payments in the
37 income-withholding order if no person or agency is designated, to the
38 obligee. (1997-433, s. 10.8; 1998-17, s. 1.)
39

40 **§ 52C-5-507. Administrative enforcement of orders.**

41 (a) A party seeking to enforce a support order or an income-withholding order, or both,
42 issued by a tribunal of another state may send the documents required for registering the order
43 to a support enforcement agency of this State.

44 (b) Upon receipt of the documents, the support enforcement agency, without initially
45 seeking to register the order, shall consider and, if appropriate, use any administrative
46 procedure authorized by the law of this State to enforce a support order or an
47 income-withholding order, or both. If the obligor does not contest administrative enforcement,
48 the order need not be registered. If the obligor contests the validity or administrative
49 enforcement of the order, the support enforcement agency shall register the order pursuant to
50 this Chapter. (1997-433, s. 10.8; 1998-17, s. 1.)
51

1
2 Article 6.

3 Enforcement and Modification of Support Order After Registration.

4 Part 1. Registration and Enforcement of Support Order.

5 **§ 52C-6-601. Registration of order for enforcement.**

6 A support order or an income-withholding order issued by a tribunal of another state may
7 be registered in this State for enforcement. (1995, c. 538, s. 7(c); 1997-433, s. 10.9; 1998-17, s.
8 1.)

9
10 **§ 52C-6-602. Procedure to register order for enforcement.**

11 (a) A support order or income-withholding order of another state may be registered in
12 this State by sending the following documents and information to the tribunal for the county in
13 which the obligor resides in this State:

- 14 (1) A letter of transmittal to the tribunal requesting registration and
15 enforcement;
- 16 (2) Two copies, including one certified copy, of all orders to be registered,
17 including any modification of an order;
- 18 (3) A sworn statement by the party seeking registration or a certified statement
19 by the custodian of the records showing the amount of any arrearage;
- 20 (4) The name of the obligor and, if known:
- 21 a. The obligor's address and social security number;
- 22 b. The name and address of the obligor's employer and another other
23 source of income of the obligor; and
- 24 c. A description and the location of property of the obligor in this State
25 not exempt from execution; and
- 26 (5) The name and address of the obligee and, if applicable, the agency or person
27 to whom support payments are to be remitted.

28 (b) On receipt of a request for registration, the registering tribunal shall cause the order
29 to be filed as a foreign order, together with one copy of the documents and information,
30 regardless of their form.

31 (c) A petition or comparable pleading seeking a remedy that must be affirmatively
32 sought under other law of this State may be filed at the same time as the request for registration
33 or later. The pleading must specify the grounds for the remedy sought. (1995, c. 538, s. 7(c);
34 1997-456, s. 27.)

35
36 **§ 52C-6-603. Effect of registration for enforcement.**

37 (a) A support order or income-withholding order issued in another state is registered
38 when the order is filed in the registering tribunal of this State.

39 (b) A registered order issued in another state is enforceable in the same manner and is
40 subject to the same procedures as an order issued by a tribunal of this State.

41 (c) Except as otherwise provided in this Article, a tribunal of this State shall recognize
42 and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.
43 (1995, c. 538, s. 7(c).)

44
45 **§ 52C-6-604. Choice of law.**

46 (a) The law of the issuing state governs the nature, extent, amount, and duration of
47 current payments and other obligations of support and the payment of arrears under the order.

48 (b) In a proceeding for arrears, the statute of limitations under the laws of this State or
49 of the issuing state, whichever is longer, applies. (1995, c. 538, s. 7(c).)

50
51 Part 2. Contest of Validity of Enforcement.

1 **§ 52C-6-605. Notice of registration of order.**

2 (a) When a support order or income-withholding order issued in another state is
3 registered, the registering tribunal shall notify the nonregistering party. The notice must be
4 accompanied by a copy of the registered order and the documents and relevant information
5 accompanying the order.

6 (b) The notice must inform the nonregistering party:

- 7 (1) That a registered order is enforceable as of the date of registration in the
8 same manner as an order issued by a tribunal of this State;
9 (2) That a hearing to contest the validity or enforcement of the registered order
10 must be requested within 20 days after notice;
11 (3) That failure to contest the validity or enforcement of the registered order in a
12 timely manner will result in confirmation of the order and enforcement of
13 the order and the alleged arrears and precludes further contest of that order
14 with respect to any matter that could have been asserted; and
15 (4) Of the amount of any alleged arrears.

16 (c) Upon registration of an income-withholding order for enforcement, the registering
17 tribunal shall notify the obligor's employer pursuant to the income-withholding provisions of
18 Chapter 50 or Chapter 110 of the General Statutes, as applicable. (1995, c. 538, s. 7(c);
19 1997-433, s. 10.10; 1998-17, s. 1.)
20

21 **§ 52C-6-606. Procedure to contest validity or enforcement of registered order.**

22 (a) A nonregistering party seeking to contest the validity or enforcement of a registered
23 order in this State shall request a hearing within 20 days after notice of the registration. The
24 nonregistering party may seek to vacate the registration, to assert any defense to an allegation
25 of noncompliance with the registered order, or to contest the remedies being sought or the
26 amount of any alleged arrears pursuant to G.S. 52C-6-607.

27 (b) If the nonregistering party fails to contest the validity or enforcement of the
28 registered order in a timely manner, the order is confirmed by operation of law.

29 (c) If a nonregistering party requests a hearing to contest the validity or enforcement of
30 the registered order, the registering tribunal shall schedule the matter for hearing and give
31 notice to the parties of the date, time, and place of the hearing. (1995, c. 538, s. 7(c); 1997-433,
32 s. 10.11; 1998-17, s. 1.)
33

34 **§ 52C-6-607. Contest of registration or enforcement.**

35 (a) A party contesting the validity or enforcement of a registered order or seeking to
36 vacate the registration has the burden of proving one or more of the following defenses:

- 37 (1) The issuing tribunal lacked personal jurisdiction over the contesting party;
38 (2) The order was obtained by fraud;
39 (3) The order has been vacated, suspended, or modified by a later order;
40 (4) The issuing tribunal has stayed the order pending appeal;
41 (5) There is a defense under the law of this State to the remedy sought;
42 (6) Full or partial payment has been made; or
43 (7) The statute of limitations under G.S. 52C-6-604 precludes enforcement of
44 some or all of the arrears.

45 (b) If a party presents evidence establishing a full or partial defense under subsection
46 (a) of this section, a tribunal may stay enforcement of the registered order, continue the
47 proceeding to permit production of additional relevant evidence, and issue other appropriate
48 orders. An uncontested portion of the registered order may be enforced by all remedies
49 available under the law of this State.

1 (c) If the contesting party does not establish a defense under subsection (a) of this
2 section to the validity or enforcement of the order, the registering tribunal shall issue an order
3 confirming the order. (1995, c. 538, s. 7(c).)
4

5 **§ 52C-6-608. Confirmed order.**

6 Confirmation of a registered order, whether by operation of law or after notice and hearing,
7 precludes further contest of the order with respect to any matter that could have been asserted at
8 the time of registration. (1995, c. 538, s. 7(c).)
9

10 Part. 3. Registration and Modification of Child Support Order.

11 **§ 52C-6-609. Procedure to register child support order of another state for modification.**

12 A party or support enforcement agency seeking to modify, or to modify and enforce, a child
13 support order issued in another state shall register that order in this State in the same manner
14 provided in Part 1 of this Article if the order has not been registered. A petition for
15 modification may be filed at the same time as a request for registration, or later. The pleading
16 must specify the grounds for modification. (1995, c. 538, s. 7(c).)
17

18 **§ 52C-6-610. Effect of registration for modification.**

19 A tribunal of this State may enforce a child support order of another state registered for
20 purposes of modification, in the same manner as if the order had been issued by a tribunal of
21 this State, but the registered order may be modified only if the requirements of G.S. 52C-6-611
22 have been met. (1995, c. 538, s. 7(c).)
23

24 **§ 52C-6-611. Modification of child support order of another state.**

25 (a) After a child support order issued in another state has been registered in this State,
26 the responding tribunal of this State may modify that order only if G.S. 52C-6-613 does not
27 apply and after notice and hearing it finds that:

28 (1) The following requirements are met:

- 29 a. The child, the individual obligee, and the obligor do not reside in the
30 issuing state;
31 b. A petitioner who is a nonresident of this State seeks modification;
32 and
33 c. The respondent is subject to the personal jurisdiction of the tribunal
34 of this State; or

35 (2) The child, or a party who is an individual, is subject to the personal
36 jurisdiction of the tribunal of this State and all of the parties who are
37 individuals have filed a written consent in the issuing tribunal for a tribunal
38 of this State to modify the support order and assume continuing, exclusive
39 jurisdiction over the order. However, if the issuing state is a foreign
40 jurisdiction that has not enacted a law or established procedures substantially
41 similar to the procedures under this act, the consent otherwise required of an
42 individual residing in this State is not required for the tribunal to assume
43 jurisdiction to modify the child support order.

44 (b) Modification of a registered child support order is subject to the same requirements,
45 procedures, and defenses that apply to the modification of an order issued by a tribunal of this
46 State, and the order may be enforced and satisfied in the same manner.

47 (c) A tribunal of this State may not modify any aspect of a child support order that may
48 not be modified under the law of the issuing state. If two or more tribunals have issued child
49 support orders for the same obligor and child, the order that controls and must be so recognized
50 under G.S. 52C-2-207 establishes the aspects of the support order which are nonmodifiable.

1 (d) On issuance of an order modifying a child support order issued in another state, a
2 tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

3 (e) Repealed by Session Laws 1997-443, s. 10.12. (1995, c. 538, s. 7(c); 1997-433, s.
4 10.12; 1997-456, s. 27; 1998-17, s. 1.)

5
6 **§ 52C-6-612. Recognition of order modified in another state.**

7 A tribunal of this State shall recognize a modification of its earlier child support order by a
8 tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to
9 this Chapter and, upon request, except as otherwise provided in this Chapter, shall:

- 10 (1) Enforce the order that was modified only as to amounts accruing before the
11 modification;
- 12 (2) Enforce only nonmodifiable aspects of that order;
- 13 (3) Provide other appropriate relief only for violations of that order which
14 occurred before the effective date of the modification; and
- 15 (4) Recognize the modifying order of the other state, upon registration, for the
16 purpose of enforcement. (1995, c. 538, s. 7(c).)
- 17

18 **§ 52C-6-613. Jurisdiction to modify child support order of another state when individual**
19 **parties reside in this State.**

20 (a) If all of the parties who are individuals reside in this State and the child does not
21 reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the
22 issuing state's child support order in a proceeding to register that order.

23 (b) A tribunal of this State exercising jurisdiction under this section shall apply the
24 provisions of Articles 1 and 2 of this Chapter, this Article, and the procedural and substantive
25 law of this State to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 of
26 this Chapter do not apply. (1997-433, s. 10.13; 1998-17, s. 1.)

27

28 **§ 52C-6-614. Notice to issuing tribunal of modification.**

29 Within 30 days after issuance of a modified child support order, the party obtaining the
30 modification shall file a certified copy of the order with the issuing tribunal that had continuing,
31 exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the
32 earlier order has been registered. A party who obtains the order and fails to file a certified copy
33 is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The
34 failure to file does not affect the validity or enforceability of the modified order of the new
35 tribunal having continuing, exclusive jurisdiction. (1997-433, s. 10.13; 1998-17, s. 1.)

36

37 Article 7.

38 Determination of Parentage.

39 **§ 52C-7-701. Proceeding to determine parentage.**

40 (a) A tribunal of this State may serve as an initiating or responding tribunal in a
41 proceeding brought under this Chapter or a law substantially similar to this Chapter, the
42 Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal
43 Enforcement of Support Act to determine that the petitioner is a parent of a particular child or
44 to determine that a respondent is a parent of that child.

45 (b) In a proceeding to determine parentage, a responding tribunal of this State shall
46 apply the procedural and substantive law of this State and the rules of this State on choice of
47 law. (1995, c. 538, s. 7(c).)

48

49 Article 8.

50 Interstate Rendition.

51 **§ 52C-8-801. Grounds for rendition.**

1 (a) For purposes of this Article, "governor" includes an individual performing the
2 functions of governor or the executive authority of a state covered by this Chapter.

3 (b) The Governor of this State may:

4 (1) Demand that the governor of another state surrender an individual found in
5 the other state who is charged criminally in this State with having failed to
6 provide for the support of an obligee; or

7 (2) On the demand by the governor of another state, surrender an individual
8 found in this State who is charged criminally in the other state with having
9 failed to provide for the support of an obligee.

10 (c) A provision for extradition of individuals not inconsistent with this Chapter applies
11 to the demand even if the individual whose surrender is demanded was not in the demanding
12 state when the crime was allegedly committed and has not fled therefrom. (1995, c. 538, s.
13 7(c).)

14
15 **§ 52C-8-802. Conditions of rendition.**

16 (a) Before making demand that the governor of another state surrender an individual
17 charged criminally in this State with having failed to provide for the support of an obligee, the
18 Governor of this State may require a prosecutor of this State to demonstrate that at least 60
19 days previously the obligee has initiated proceedings for support pursuant to this Chapter or
20 that the proceeding would be of no avail.

21 (b) If, under this Chapter or a law substantially similar to this Chapter, the Uniform
22 Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of
23 Support Act, the governor of another state makes a demand that the Governor of this State
24 surrender an individual charged criminally in that state with having failed to provide for the
25 support of a child or other individual to whom a duty of support is owed, the governor may
26 require a prosecutor to investigate the demand and report whether a proceeding for support has
27 been initiated or would be effective. If it appears that a proceeding would be effective but has
28 not been initiated, the governor may delay honoring the demand for a reasonable time to permit
29 the initiation of a proceeding.

30 (c) If a proceeding for support has been initiated and the individual whose rendition is
31 demanded prevails, the governor may decline to honor the demand. If the petitioner prevails
32 and the individual whose rendition is demanded is subject to a support order, the governor may
33 decline to honor the demand if the individual is complying with the support order. (1995, c.
34 538, s. 7(c).)

35
36 Article 9.

37 Miscellaneous Provisions.

38 **§ 52C-9-901. Uniformity of application and construction.**

39 This Chapter shall be applied and construed to effectuate its general purpose to make
40 uniform the law with respect to the subject of this Chapter among states enacting it. (1995, c.
41 538, s. 7(c).)

42
43 **§ 52C-9-902. Severability clause.**

44 If any provision of this Chapter or its application to any person or circumstance is held
45 invalid, the invalidity does not affect other provisions or applications of this Chapter which can
46 be given effect without the invalid provision or application, and to this end the provisions of
47 this Chapter are severable. (1995, c. 538, s. 7(c).)