

**NEWS from the North Dakota Department of Human Services and the North Dakota Department of Corrections and Rehabilitation  
Bismarck, N.D.**

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## **New law prevents growth of past-due child support owed by incarcerated parents**

BISMARCK, N.D. – Beginning Jan. 1, 2018, a new state law takes effect that aims to prevent the accumulation of large amounts of past-due child support owed by incarcerated parents. The 2017 North Dakota Legislature passed Senate Bill 2277, which terminates monthly child support obligations of parents who were previously ordered to pay child support under North Dakota court orders and then sentenced to incarceration for 180 days or longer.

“According to a 2012 study from the Center for Policy Research, the two most important factors in a former prisoner’s successful reentry into the community are employment and positive relationships with family,” said Leann Bertsch, director of the North Dakota Department of Corrections and Rehabilitation (DOCR). “This law helps to reduce a major barrier for a successful transition back into the community by reducing overwhelming debt that can set people up for failure and possible re-incarceration.”

Both the DOCR and the North Dakota Department of Human Services’ Child Support Division supported the legislation.

“We anticipate there will be some people not happy with this new law, but in reality, it will not reduce collections or increase the need for public assistance for the child. Past-due support that accrues during long-term incarceration often goes uncollected, even after the parent is released,” said Jim Fleming, director of North Dakota’s Child Support Program. “By preventing a buildup of unpaid support, there is a strong incentive for the parent to find meaningful employment and re-establish support payments for their children upon release.”

The new law allows a child support obligation to be re-established if an incarcerated parent has more than \$750 of net monthly income from outside sources. It also excludes parents on work release or probation, as long as they are able to earn wages outside a correctional facility.

Fleming added that the new law does not forgive any past-due support that was owed prior to termination of the monthly support obligation.

The Child Support Program will help parents re-establish support payments following the release of a noncustodial parent if the child is still under the age of 18. The support obligation will be based on a parent’s earnings post incarceration.

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According to DOCR and Child Support Division records, about 330 current inmates with 416 child support obligations will have their obligations terminated. The state child support program will be sending letters to all individuals who will be affected by this change.

Parents with questions about their case are encouraged to call their caseworker or child support customer service at 701-328-5440 or toll-free at 800-231-4255.

The North Dakota Department of Human Services' Child Support Division serves about 66,400 children per year by helping disburse nearly \$158 million in support payments to their families. The program also helps to establish paternity and child support orders, and takes enforcement action against those parents who are not supporting their children.

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