

Department of Human Services
Senate Judiciary Committee
Senator Diane Larson, Chairman

March 26, 2019

Chairman Larson and members of the Judiciary Committee, I am Jim Fleming, Director of the Child Support Division of the Department of Human Services (Department). The Department defers to this Committee on the merits of Engrossed House Bill 1290, but requests an amendment that would continue current processes to hold parents responsible for supporting their children.

As line 10 of Engrossed House Bill 1290 was amended in the House (replacing “enter” with “search” in the prohibition), it is unclear whether Lines 12-16 are meant to be an exclusive list of the purposes for which law enforcement may enter private land without permission.

The first part of the Department’s requested amendment would authorize service of a summons and complaint on a parent who is located on private land. Child support obligations in North Dakota are established by court order in a legal action, which is commenced with a summons and complaint served on the defendant personally. The Department frequently attempts to serve the parent by certified mail, but it often must resort to hand-delivery by the county sheriff’s office. Even if the parent works in a public place, parents often prefer not to be served at their place of work.

The second part of the Department’s requested amendment would authorize a court-issued warrant or order to be served on a parent who owes past-due child support. Failure to pay a court-ordered child support obligation can cause the court to issue an order requiring the parent to come to a hearing and explain the failure to pay. If the parent does not show up for the hearing, a warrant can be issued by the court to take the parent into custody. The ability of law enforcement officials to serve these orders and warrants is an important part of enforcing the court’s child support order.

We encourage the Committee's favorable consideration of these amendments. This concludes my testimony, and I am happy to answer any questions you may have.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1290

Page 1, line 15, remove “or”

Page 1, line 16, replace the underscored period with an underscored semicolon

Page 1, after line 16, insert:

- “d. Legal process in a civil action needs to be served; or
- e. An order to show cause, warrant of attachment, or warrant for
 failure to appear has been issued by a court”

Renumber accordingly