

Required Provisions

Provisions in State Law Required to be Included in a Court Order

State law and agency rules require that certain language be incorporated into court orders for support.

These are the required language provisions:

- A. The order must provide that child support payments must be made to the State Disbursement Unit (SDU) for remittance to the obligee. (N.D.C.C. § 14-09-08.1(1))

Note: the definition of “child support” includes payments for health insurance or other medical support and payments for the support of spouses or former spouses with whom the child is living as long as the spousal support payment is included in the same order as the child support payment. (N.D.C.C. § 14-09-09.10(3))

- B. The order must notify each party that the party must provide certain information to the SDU within 10 days of the date of the order or ten days after any change in the information. (N.D.C.C. § 14-09-08.1(2))

This is the information that must be provided:

- (1) Social security number
- (2) Home and mailing addresses and any change of address
- (3) Phone number
- (4) Driver’s license number
- (5) Employer’s name, address, and phone number
- (6) Change in any other condition that could affect the proper administration of support

Note: In a paternity case, the order must identify the child by name and date of birth and must include the social security number of the child as well as the parents. (N.D.C.C. § 14-20-57(2) and (3))

- C. The order must include a statement advising of the right to request a review of the support obligation. (N.D.C.C. § 14-09-08.9)

Note: Either the obligor or obligee may request a review by Child Support. The individual requesting review must be receiving IV-D services.

In general, an order must be at least 18 months old before it is eligible for review by Child Support. However, there are a few exceptions to the 18-month provision. A list of exceptions can be found on Child Support’s website.

- D. The order must include a provision for health insurance coverage for the child. (N.D.C.C. § 14-09-08.10)

Note: The order must require the obligee to provide the health insurance if available to the obligee at no or nominal cost. Otherwise, the obligor must provide the insurance if available at reasonable cost.

Note: Health insurance is considered reasonable in cost if it is available to the obligor on a group basis or through an employer or union. (N.D.C.C. § 14-09-08.15)

- E. The order must include a statement that interest will accrue if the support obligation is not timely paid. (N.D.C.C. § 14-09-08.19)
- F. If immediate income withholding is not ordered, the order must include a statement that delinquency in payment of the obligation or approved request of the obligee will result in issuance of an income withholding order. (N.D.C.C. § 14-09-09.12)

Note: If the court finds that there is good cause not to require immediate income withholding, there must be a written determination and explanation why immediate income withholding is not in the child's best interests, proof of timely payment of any previously ordered support, and a requirement for the obligor to keep Child Support informed of any employment-related health insurance. (N.D.C.C. § 14-09-09.24(4))

Note: if the parties have a written agreement for an alternative arrangement for assuring regular payment of support, the agreement must describe the arrangement and must provide for the obligor to keep Child Support informed of any employment-related health insurance. (N.D.C.C. § 14-09-09.24(5))

- G. The order must include a statement of the obligor's net income and how that net income was determined. (N.D. Admin. Code § 75-02-04.1-02(10))
- H. If there is a deviation from the presumptively correct support amount, there must be a finding that states the presumptively correct amount, identifies the applicable deviation criteria, and states the amount determined after applying the deviation criteria. (N.D.C.C. § 14-09-09.7(4))
- I. The order must identify the person who is authorized to claim the child as a dependent for purposes of filing an income tax return. (N.D.C.C. § 14-09-09.37)