



# **F.Y.I.**

**from the Policy Unit**

**FYI-158**

**Date: December 29, 2017**

**SUBJECT: North Dakota and Incarcerated Parents**

Please contact the Policy Unit if you have any questions regarding these or any other changes at [DCSS-POLICYQUESTIONS@azdes.gov](mailto:DCSS-POLICYQUESTIONS@azdes.gov) or call 602-771-8127

Effective January 1, 2018, a new law in North Dakota will end monthly child support obligations of noncustodial parents (NCPs) sentenced to jail or prison for 180 days or longer, including cases in which the actual time served is less than 180 days, or the NCP is incarcerated outside of the state. This law applies to North Dakota orders with child support and medical support obligations, but not spousal maintenance. The new law does not forgive arrears owed prior to termination of the monthly support obligation, and does not apply to NCPs on work release or probation, as long as they are able to earn wages outside a correctional facility.

A child support obligation may be re-established if an incarcerated NCP has more than \$750 of net monthly income from outside sources. Once the NCP is released from jail, a new support order may be established, but the obligation will not revert to the pre-incarceration amount. The support obligation will be based on the NCP's earnings after incarceration.