

10A NCAC 70B .0104 RELATIONSHIP TO CHILD SUPPORT ENFORCEMENT PROGRAM

(a) The county director of social services must refer recipients of foster care assistance payment to the child support enforcement program except when the county director of social services determines that a referral is not appropriate because one or more of the following circumstances exists:

- (1) The establishment of paternity or the securing of support is reasonably anticipated to result in:
 - (A) physical harm to the child;
 - (B) emotional harm to the child;
 - (C) physical harm to the foster parent or other caretaker with whom the child is living; or
 - (D) emotional harm to the foster parent or other caretaker with whom the child is living.
- (2) The child for whom support is sought was conceived as a result of forcible rape or incest.
- (3) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction.
- (4) The parent(s) is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish him for adoption, and the discussions have not gone on for more than three months.
- (5) A parent is already ordered by the court to pay support.
- (6) The rights of both parents have been terminated by consent or court proceeding and the child may be legally placed for adoption by the county department of social services or a child placing agency.

(b) The county department's application for foster care assistance payments shall operate to assign to the state and the county in proportionate parts as described in General Statute 110-135 all rights to child support owed or paid for the eligible foster child by his parent.

(c) The caretaker relative from whose home the child is removed by voluntary placement agreement or court order shall be advised of the assignment of support rights, and shall be asked to sign a statement that he understands the assignment. His refusal to sign, however, shall not render the child ineligible for foster care assistance payments.

(d) Referral to the county's IV-D agency shall be completed for all foster care assistance cases in which deprivation is caused by absence of a parent, regardless of whether the paternity of a child born out of wedlock has been established.

History Note: Authority G.S. 108A-24; 108A-48; 108A-49; 110-128 through 141; 143B-153; Eff. July 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.