

Foster Care Policy

Effective October 1, 2025, Session Law 2025-16, Fostering Care in NC Act, amended G.S. 50-13.10 to clarify when child support payments are not considered past due and when arrearages accrue. G.S. 50-13.10 states: “Past due child support vested; not subject to retroactive modification; entitled to full faith and credit.

...

(d) For purposes of this section, a child support payment or the relevant portion thereof, is not past due, and no arrearage accrues during the following:

- (1) From and after the date of the death of the minor child for whose support the payment, or relevant portion, is made;
- (2) From and after the date of the death of the supporting party;
- (3) During any period when the child is living with the supporting party pursuant to a valid court order or to an express or implied written or oral agreement transferring primary custody to the supporting party;
- (4) During any period when the supporting party is incarcerated, is not on work release, and has no resources with which to make the payment.

(5) For foster care assistance owed to the State by the supporting party during any period when the child is placed in the custody of a department of social services.

...”

The revised statute, effective October 1, 2025, affects how child support obligations are handled during foster care placement. However, it does not change the referral process for foster care cases from Child Welfare to Child Support Services (CSS). Referrals will continue to be sent from NC FAST to ACTS in accordance with 10A NCAC 70B .0104.

Key changes due to statute revision:

- CSS will no longer establish child support orders on foster care cases referred on or after October 1, 2025.
- Child support obligations on foster care cases that existed prior to October 1 will be suspended.
- Foster care arrears accrued prior to October 1 that are owed to the state will continue to be collected and enforced.

Case handling procedures:

For foster care cases (both in state orders and intergovernmental initiating cases) referred to CSS prior to October 1, 2025:

- If there is no existing order and no court action filed, close case using closure code CINR.
- If there is no existing order and court action filed, dismiss pending court action, except paternity actions. If paternity action has been started, complete pending action before closing case.
- If there is an existing order, file motion to suspend current support and make case arrears only and collect any foster care remaining arrears owed.

- If there is an existing case with a court order payable to a caretaker, enforcement of the child support order will continue.
- If NC is the responding state in an intergovernmental action, follow existing intergovernmental case handling procedures.

For foster care cases referred to CSS on or after October 1, 2025:

- If there is no existing order, close the case using closure code CINR.
- If there is an existing order, file motion to suspend current support and make case arrears only and collect any arrears owed to original caretaker if appropriate.
- For referrals received on NIVD or private cases, do not file a motion to intervene. Close the referred case with closure code CINR.
- If CSS accepts the application of a caretaker designated as a permanent placement by Child Welfare, then the case should be handled per usual CSS policy and procedures.