



North Carolina Department of Health and Human Services  
Division of Social Services

Pat McCrory  
Governor

Richard O. Brajer  
Secretary DHHS

Wayne E. Black  
Division Director

April 11, 2016

Dear County DSS Directors  
Dear County Child Support Managers

**Reference:** NC Court of Appeals Decision - Catawba v. Loggins

A very recent decision filed April 5, 2016 by the NC Court of Appeals has the potential of affecting the Child Support Services Program's current process for modifying child support orders. In the court case Catawba County by and through its Child Support Agency, ex. rel. Shawna Rackley v. Jason Loggins, No. COA15-711, the Court of Appeals upheld the trial court's 2014 decision to grant the Defendant's Rule 60 motion for Relief from Judgement, which set aside a June 28, 2001 Modified Voluntary Support Agreement as void. The Court held that any modification of a support order must be preceded by a motion and a showing of changed circumstances – even when the parties consent to the modification.

Until the full impact of this decision can be determined, child support agencies should not use the Amended (Amended or Modified) Voluntary Support Agreement process and the document found in ACTS (DSS-4524). County agencies should consult with their IV-D attorney regarding any effort to modify an existing order or VSA by consent of the parties, including the use of any other form documents involving modification by consent.

Options are being discussed at the state level regarding next steps from both a legal and procedural standpoint. Please discuss any issues or questions regarding this court case with your local child support attorney. Updates will be provided as more is known about the impact of this decision to the child support program. If you have questions, please contact Judy McArn at 919.855.4431 or Verna Donnelly at 919.855.4755.

Sincerely,

A handwritten signature in cursive script that reads "Judy McArn".

Judy McArn  
Section Chief, Child Support Services

cc: IV-D Regional Program Representatives  
IV-D Policy and Training  
Wayne Black  
Jack Rogers

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