

If you Have Child Custody/Support Problems After Your Divorce in North Carolina

Even after you have your child support detailed in a separation agreement or court order, you may find that it is not paid on time or in the full amount. When a parent fails to comply with the order of the North Carolina court [the contempt statutes](#) can provide a solution to the problem.



Although many parents think they can tie child support payments to visitation privileges, it is important to understand that the one is legally independent of the other. As an example, if one party has not received the appropriate child support payment, he or she may not decide to prevent the other from exercising any visitation rights.

[The North Carolina child custody statutes provide some guidance as to how the system actually works](#), and may provide some useful information.

[A separate section of the statutes, referred to as the Uniform Child Custody Jurisdiction and Enforcement Act, addresses the jurisdictional issues which arise in custody disputes. A federal law, known as the Interstate Parental Kidnapping Prevention Act, also addresses child custody jurisdictional issues.](#)

[The Parental Kidnapping Prevention Act](#) of 1980 PKPA adopted by Congress also establishes standards regarding appropriate exercise of jurisdiction over custody matters among the states.

To combat parental kidnapping done in an effort to attain a new custody decree in another state, North Carolina has adopted the [Uniform Child Custody Jurisdiction and Enforcement Act UCCJEA](#).

The UCCJEA is an attempt to bring to the nation a set of standardized jurisdiction and enforcement rules and provides four points for jurisdiction over child custody matters.

First, if North Carolina is the state in which the child lived for the six months immediately prior to the custody proceeding, North Carolina has jurisdiction first, or if the North Carolina had been the home state and the child is now absent because the child has been removed by the individual seeking custody.

Second, if it is in the child's best interest because there is a significant connection with North Carolina and evidence relevant to the child's present or future care, training, and relationships is available within North Carolina.

Third, if the child is physically present in North Carolina and has been abandoned or an emergency situation exists.

Fourth, if no other state would have jurisdiction under the UCCJEA, or if another state has declined jurisdiction and it is in the child's best interest for North Carolina to assume jurisdiction.

A number of provisions in [Chapter 50 of the North Carolina General Statutes](#) cover child support. These statutes, and a few others, designate who may bring an action for child support or who can be held responsible for its payment.

A separation agreement may be made a part of a no contest divorce or uncontested divorce and made the basis for child support enforcement actions.

[The Divorce Clinic Simple No Contest Divorce in North Carolina Web-site](#)