



Richard O. Brajer
Secretary

Wayne E. Black
Senior Director for Social Services
and County Operations

October 5, 2016

Dear County DSS Directors
Dear Child Support Managers

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

This letter is a follow-up to my April 11, 2016, letter regarding the status of the North Carolina Court of Appeals opinion in Catawba County v. Loggins, No. COA15-711. In an effort to challenge the opinion, Catawba County filed a petition for discretionary review with the North Carolina Supreme Court on May 6, 2016. On September 22, 2016, the Supreme Court issued orders allowing review of the Court of Appeals decision and also, in the meantime, staying the effect of that decision until a final ruling is entered. The Supreme Court has also allowed DHHS to file an *amicus* brief in the case. A final ruling from the Supreme Court is not expected until sometime in 2017.

Although the final outcome of this case remains to be determined, we are hopeful that the Supreme Court will reverse the Court of Appeals decision. As you no doubt know, if the decision of the Court of Appeals stands, it could adversely impact thousands of child support families. The order set aside by the trial court in this case was the ACTS form version of the Modified Voluntary Support Agreement and Order. Although we cannot track the number of cases in which that form has been filed with the courts, our internal review indicates that at least one Modified Voluntary Support Agreement and Order form has been generated from ACTS in a total of 52,433 cases, both open and closed.

Please continue to discuss any issues or questions regarding this court case with your local child support attorney. County agencies should continue to consult with their IV-D attorney regarding any effort to modify an existing order or Voluntary Support Agreement by consent of the parties, including the use of any form documents involving modification by consent. We will continue to closely monitor the case and provide further updates as more is known.

Sincerely,

Judy McArn
Section Chief, Child Support Services

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

CSS 14-2016

