

§ 110-143. Passport Denial Program.

(a) Participation. – The Department of Health and Human Services shall participate in the federal Passport Denial Program for the denial, revocation, or limitation of an obligor's passports under 42 U.S.C. § 654(31) and 42 U.S.C. § 652(k).

(b) Certification. – The Department shall annually certify to the federal Office of Child Support Enforcement (OCSE) an obligor in a IV-D case whose support arrears exceed the federally mandated threshold in 42 U.S.C. § 654(31). The OCSE shall transmit the certification to the U.S. Department of State pursuant to the federal Passport Denial Program.

(c) Notice. – The Department shall send written notice of the certification to the obligor at the obligor's last known address. The notice shall advise the obligor of all of the following:

- (1) The amount of the arrears as of the date of the notice.
- (2) The possibility that the obligor's passport may be denied, revoked, or restricted by the U.S. Department of State.
- (3) The procedure to contest the certification.

(d) Appeal. – Within 60 days of the date the notice is placed in the mail to the obligor, the obligor may file a contested case petition with the North Carolina Office of Administrative Hearings to contest the certification. The contested case shall be conducted in accordance with Article 3 of Chapter 150B of the General Statutes. The obligor may contest the certification only if one of the following applies:

- (1) An arrearage does not exist.
- (2) An arrearage does exist, but never exceeded the federally mandated threshold.
- (3) There is a claim of mistaken identity.

(e) Withdrawal of Certification. – The Department shall notify the OCSE if the obligor's support arrears are paid in full. (2023-65, s. 7.3(c).)