

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 402

Short Title: Child Support/School/Reqd.

(Public)

Sponsors: Representatives Richardson; Colton, Devane, Gottovi, Hackney, Kinney, Kuczmarski, Lemmond, Luebke, McAllister, Mitchell, Nichols, Russell, Spears, and Sutton.

Referred to: Judiciary I.

March 8, 1993

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT CHILD SUPPORT PAYMENTS BE CONTINUED
2 WHILE THE CHILD IS ENROLLED IN PRIMARY OR SECONDARY SCHOOL,
3 UP TO GRADUATION OR AGE TWENTY.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 50-13.4(c) reads as rewritten:

7 "(c) Payments ordered for the support of a minor child shall be in such amount as
8 to meet the reasonable needs of the child for health, education, and maintenance, having
9 due regard to the estates, earnings, conditions, accustomed standard of living of the
10 child and the parties, the child care and homemaker contributions of each party, and
11 other facts of the particular case.

12 The court shall determine the amount of child support payments by applying the
13 presumptive guidelines established pursuant to subsection (c1). However, upon request
14 of any party, the Court shall hear evidence, and from the evidence, find the facts relating
15 to the reasonable needs of the child for support and the relative ability of each parent to
16 provide support. If, after considering the evidence, the Court finds by the greater
17 weight of the evidence that the application of the guidelines would not meet or would
18 exceed the reasonable needs of the child considering the relative ability of each parent
19 to provide support or would be otherwise unjust or inappropriate the Court may vary
20 from the guidelines. If the court orders an amount other than the amount determined by
21 application of the presumptive guidelines, the court shall make findings of fact as to the
22 criteria that justify varying from the guidelines and the basis for the amount ordered.

1 Payments ordered for the support of a child shall terminate when the child reaches
2 the age of 18 except:

3 (1) If the child is otherwise emancipated, payments shall terminate at that
4 time;

5 (2) If the child is still in primary or secondary school when ~~he~~the child
6 reaches age 18, ~~the court in its discretion may order support payments to~~
7 shall continue until hethe child graduates, otherwise ceases to attend
8 school on a regular basis, or reaches age 20, whichever comes first."

9 Sec. 2. This act becomes effective October 1, 1993, and applies to support
10 orders entered on or after that date.