

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS55094-LU-19 (1/31)

Short Title: Continue Child Supp. to 21 Yrs/College Stud. (Public)

Sponsors: Senator Kerr.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW CHILD SUPPORT PAYMENTS TO CONTINUE UNTIL THE
AGE OF TWENTY-ONE IF THE CHILD IS ATTENDING A COLLEGE OR
UNIVERSITY.

The General Assembly of North Carolina enacts:

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

"(c) Payments ordered for the support of a minor child shall be in such amount as to meet the reasonable needs of the child for health, education, and maintenance, having due regard to the estates, earnings, conditions, accustomed standard of living of the child and the parties, the child care and homemaker contributions of each party, and other facts of the particular case. Payments ordered for the support of a minor child shall be on a monthly basis, due and payable on the first day of each month. The requirement that orders be established on a monthly basis does not affect the availability of garnishment of disposable earnings based on an obligor's pay period.

The court shall determine the amount of child support payments by applying the presumptive guidelines established pursuant to subsection (c1) of this section. However, upon request of any party, the Court shall hear evidence, and from the evidence, find the facts relating to the reasonable needs of the child for support and the relative ability of each parent to provide support. If, after considering the evidence, the Court finds by the greater weight of the evidence that the application of the guidelines would not meet or would exceed the reasonable needs of the child considering the relative ability of each parent to provide support or would be otherwise unjust or inappropriate the Court may vary from the guidelines. If the court orders an amount other than the amount determined by application of the presumptive guidelines, the court shall make findings of fact as to the 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 the child
6 reaches age 18, support payments shall continue until the child
7 graduates, otherwise ceases to attend school on a regular basis, fails to
8 make satisfactory academic progress towards graduation, or reaches
9 age 20, whichever comes first, unless the court in its discretion orders
10 that payments cease at age 18 or prior to high school
11 ~~graduation.~~graduation;

12 (3) If the child is attending a college or university as a full-time student,
13 support payments shall continue until the child reaches age 21, unless
14 the child ceases to attend school on a regular basis or fails to make
15 satisfactory academic progress towards graduation. After age 18, child
16 support payments may be given directly to the child or paid directly
17 towards the child's college expenses.

18 In the case of graduation, ~~or attaining age 20,~~ or attending a college or university as
19 a full-time student, payments shall terminate without order by the court, subject to the
20 right of the party receiving support to show, upon motion and with notice to the
21 opposing party, that the child has not graduated or attained the age of ~~20.~~20 or that the
22 child is still attending a college or university as a full-time student.

23 If an arrearage for child support or fees due exists at the time that a child support
24 obligation terminates, payments shall continue in the same total amount that was due
25 under the terms of the previous court order or income withholding in effect at the time
26 of the support obligation. The total amount of these payments is to be applied to the
27 arrearage until all arrearages and fees are satisfied or until further order of the court."

28 **SECTION 2.** This act is effective when it becomes law and applies to
29 actions for child support on or after that date.