

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 310

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

(Public)

Sponsors: Senators Kerr; and Jones.

Referred to: Judiciary 1 (Civil).

February 22, 2007

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW CHILD SUPPORT PAYMENTS TO CONTINUE UNTIL THE
2 AGE OF TWENTY-ONE IF THE CHILD IS ATTENDING A COLLEGE OR
3 UNIVERSITY.
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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. Payments ordered for the support of a minor child shall
12 be on a monthly basis, due and payable on the first day of each month. The requirement
13 that orders be established on a monthly basis does not affect the availability of
14 garnishment of disposable earnings based on an obligor's pay period.

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

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

- 1 (1) If the child is otherwise emancipated, payments shall terminate at that
2 time;
- 3 (2) If the child is still in primary or secondary school when the child
4 reaches age 18, support payments shall continue until the child
5 graduates, otherwise ceases to attend school on a regular basis, fails to
6 make satisfactory academic progress towards graduation, or reaches
7 age 20, whichever comes first, unless the court in its discretion orders
8 that payments cease at age 18 or prior to high school
9 ~~graduation.~~ graduation;
- 10 (3) If the child is attending a college or university as a full-time student,
11 support payments shall continue until the child reaches age 21, unless
12 the child ceases to attend school on a regular basis or fails to make
13 satisfactory academic progress towards graduation. After age 18, child
14 support payments may be given directly to the child or paid directly
15 towards the child's college expenses.

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

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

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