

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1129

Short Title: Child Support Age/College.

(Public)

Sponsors: Representatives Mercer; and Warner.

Referred to: Courts, Justice, Constitutional Amendments & Referenda.

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE SUPPORT OF CHILDREN ATTENDING
COLLEGE WHO ARE OVER THE AGE OF EIGHTEEN AND UNDER THE
AGE OF TWENTY-TWO.

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.

The court shall determine the amount of child support payments by applying the presumptive guidelines established pursuant to subsection (cl). 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.

Payments ordered for the support of a child shall terminate when the child reaches 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 he reaches age
4 18, the court in its discretion may order support payments to continue
5 until he graduates, otherwise ceases to attend school on a regular basis,
6 or reaches age 20, whichever comes ~~first~~-first;
- 7 (3) If the child is enrolled at a constituent institution of The University of
8 North Carolina, at a community college, at an independent or private
9 college or university, or at a nonpublic postsecondary educational
10 institution and is maintaining satisfactory progress towards a degree or
11 towards certification, the court may order support payments to
12 continue until he graduates, otherwise ceases to attend school on a
13 regular basis, or reaches age 22, whichever comes first."

14 Sec. 2. This act becomes effective October 1, 1991, and applies to actions
15 and proceedings commenced on and after that date.