

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 335
HOUSE BILL 402

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

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) If the child is otherwise emancipated, payments shall terminate at that time;
- (2) If the child is still in primary or secondary school when ~~he~~the child reaches age 18, ~~the court in its discretion may order~~ support payments ~~to~~shall continue until ~~he~~the child graduates, otherwise ceases to attend school on a regular basis, fails to make satisfactory academic progress towards graduation, or reaches age 20, whichever comes first, unless the court in its discretion orders that payments cease at age 18 or prior to high school graduation.

In the case of graduation, or attaining age 20, payments shall terminate without order by the court, subject to the right of the party receiving support to show, upon motion

and with notice to the opposing party, that the child has not graduated or attained the age of 20."

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

In the General Assembly read three times and ratified this the 13th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives