

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 698

Short Title: Child Support Guidelines.

(Public)

Sponsors: Senators Allran, Marvin; Ballance, Bryan, Cochrane, Daniel, Daughtry, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Shaw, Sherron, Simpson, Smith, Tally, and Ward.

Referred to: Judiciary II.

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT CHILD SUPPORT GUIDELINES BE USED AS A REBUTTABLE PRESUMPTION TO ESTABLISH CHILD SUPPORT OBLIGATIONS AND TO REQUIRE PERIODIC REVIEW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-13.4(c1) reads as rewritten:

"(c1) The Conference of Chief District Judges shall prescribe uniform statewide ~~advisory-presumptive~~ guidelines for the computation of child support obligations of each parent as provided in Chapter 50 or elsewhere in the General Statutes.

Such ~~advisory-presumptive~~ guidelines may provide for variation of the amount of support recommended based on one or more of the following:

- (1) The special needs of the child, including physical and emotional health needs, educational needs, day-care costs, or needs related to the child's age.
- (2) Any shared physical custody arrangements or extended or unusual visitation arrangements.
- (3) A party's other support obligations to a current or former household, including the payment of alimony.
- (4) A party's extremely low or extremely high income, such that application of the guidelines produces an amount that is clearly too high in relation to the party's own needs or the child's needs.

- 1 (5) A party's intentional suppression or reduction of income, hidden
2 income, income that should be imputed to a party, or a party's
3 substantial assets.
- 4 (6) Any support that a party is providing or will be providing other than
5 by periodic money payments, such as lump sum payments, possession
6 of a residence, payment of a mortgage, payment of medical expenses,
7 or provision of health insurance coverage.
- 8 (7) A party's own special needs, such as unusual medical or other
9 necessary expenses.
- 10 (8) Any other factor the court finds to be just and proper.

11 Notwithstanding the foregoing, the court shall hear evidence and from the evidence
12 find the facts relating to the reasonable needs of the child for support and the relative
13 ability of each parent to pay support."

14 ♦ Sec. 2. G.S. 50-13.4 is amended by adding a new subsection to read:

15 "(c2) The Conference of Chief District Judges shall review the guidelines once
16 every four years to determine whether their application results in appropriate child
17 support awards amounts. The Department of Human Resources, Administrative Office
18 of the Courts, and the general public shall provide to the Conference of Chief District
19 Judges, in a manner approved by the Conference, information regarding whether the
20 guidelines are effective in ensuring appropriate child support award amounts. The
21 guidelines shall be provided to the Department of Human Resources and the
22 Administrative Office of the Courts for dissemination to the public through local IV-D
23 offices, clerks of court, and the media."

24 Sec. 3. This act shall become effective October 1, 1989, and applies to
25 guidelines issued and awards made on or after that date.