

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE JOINT RESOLUTION 993

Sponsors: Senators Perdue; Martin of Guilford, Marshall, Plexico, Seymour, Tally, Cochrane, Jordan, Gunter, Winner of Mecklenburg, Gulley, Martin of Pitt, Ward, Hoyle, Hunt, Cooper, Richardson, Forrester, Allran, and Simpson.

Referred to: Rules and Operation of the Senate.

April 29, 1993

1 A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY FAMILY LAW REFORM.

3 Whereas, the increasing case load of district courts throughout the State often
4 results in prolonging the resolution of domestic matters; and

5 Whereas, procedural and remedial changes are needed in order to expedite the
6 resolution of equitable distribution and child support and custody issues before the
7 court. Such changes are needed so that parents and children involved in divorce may
8 lead their lives free of extensive and costly litigation that obstructs emotional healing,
9 interferes with harmonious child rearing, and depletes family resources that can best be
10 used for life's essentials; and

11 Whereas, strides have been made in ensuring an equitable distribution of
12 marital property, child support awards that address the needs of children and the
13 financial abilities of parents, and better methods for collecting current and past due child
14 support, problems continue to exist in these areas. State law and judicial system
15 practice should be regularly reviewed to ensure that necessary changes are made that
16 enure to the benefit of children, their parents, and the State;

17 Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

18 Section 1. The Legislative Research Commission may study the necessity for
19 family law reform, including the following issues:

20 (1) The need for a family court system independent of district court, the
21 exclusive jurisdiction of which would be all matters pertaining to
22 marriage, divorce, child custody and support, spousal support,
23 distribution of marital property, and adoption;

1 (2) Procedural changes and additional remedies necessary to expedite the
2 resolution of matters pertaining to equitable distribution, child support
3 awards and collection, and other relevant domestic issues before the
4 court; and

5 (3) Review of the recently adopted child support guidelines to determine if
6 additional factors should be considered in determining child support
7 amounts.

8 Sec. 2. In making appointments to this study committee, the Commission
9 may ensure that public membership on the committee fairly represents the following:

10 (1) Members of the family law section of the North Carolina Bar
11 Association;

12 (2) District court judges and clerks of court;

13 (3) Persons qualified to provide mediation services in child custody
14 matters referred by the court; and

15 (4) Citizens who are not affiliated with the legal profession or court
16 system, but who have been a party to a child custody or support, or
17 equitable distribution matter heard or decided by the court within the
18 last five years.

19 Sec. 3. The LRC Committee on Family Law Reform may report to the 1993
20 General Assembly, Regular Session 1994, and may make its final report to the 1995
21 General Assembly.

22 Sec. 4. There is appropriated from the General Fund to the Legislative
23 Research Commission the sum of fifteen thousand dollars (\$15,000) for the 1993-94
24 fiscal year and the sum of fifteen thousand dollars (\$15,000) for the 1994-95 fiscal year
25 to carry out the study of family law reform.

26 Sec. 5. This resolution is effective upon ratification.