

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1269  
Committee Substitute Favorable 5/8/89  
Judiciary II Senate Committee Substitute Adopted 7/18/90  
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Short Title: Medical Support/Dependent Children.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT COURT ORDERS AND WRITTEN AGREEMENTS REGARDING MEDICAL SUPPORT FOR MINOR CHILDREN ARE VALID AUTHORIZATION TO INSURERS TO RELEASE INFORMATION AND PROCESS CLAIMS AND TO PROVIDE FOR REVIEW OF THE PRESUMPTIVE CHILD SUPPORT GUIDELINES.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 50 of the General Statutes is amended by adding a new section to read:

**"§ 50-13.11. Orders and agreements regarding medical support for minor children.**

(a) The court may order a parent of a minor child or other responsible party to provide medical support for the child, or the parties may enter into a written agreement regarding medical support for the child. An order or agreement for medical support may require one or both parties to maintain health insurance, dental insurance, or both, or to pay the medical, hospital, or dental expenses.

(b) The party ordered or under agreement to provide medical insurance shall provide written notice of any change in the applicable insurance coverage to the other party.

(c) The employer or insurer of the party required to provide medical insurance shall release to the other party, upon written request, any information on a minor child's

1 insurance coverage that the employer or insurer may release to the party required to  
2 provide medical insurance.

3 (d) When a court order or agreement for medical insurance is in effect, the  
4 signature of either party shall be valid authorization to the insurer to process an  
5 insurance claim on behalf of a minor child.

6 (e) If the party who is required to provide medical insurance fails to maintain the  
7 insurance coverage for the minor child, the party shall be liable for any medical,  
8 hospital, or dental expenses incurred from the date of the court order or agreement that  
9 would have been covered by insurance if it had been in force."

10 Sec. 2. G.S. 50-13.4 (c) reads as rewritten:

11 "(c) Payments ordered for the support of a minor child shall be in such  
12 amount as to meet the reasonable needs of the child for health, education, and  
13 maintenance, having due regard to the estates, earnings, conditions, accustomed  
14 standard of living of the child and the parties, the child care and homemaker  
15 contributions of each party, and other facts of the particular case.

16 The court shall determine the amount of child support payments by applying the  
17 presumptive guidelines established pursuant to subsection (cl). ~~Upon request of a party,~~  
18 ~~the court may modify the amount resulting from application of the guidelines if, after~~  
19 ~~considering evidence regarding one or more of the criteria established pursuant to subsection~~  
20 ~~(cl), the court finds by the greater weight of the evidence that application of the guidelines~~  
21 ~~would not meet the reasonable needs of the child as set forth in this subsection. However,~~  
22 upon written motion filed by either party at least ten days prior to a hearing on child  
23 support, the Court shall hear evidence, and from the evidence, find the facts relating to  
24 the reasonable needs of the child for support and the relative ability of each parent to  
25 provide support. If, after considering the evidence, the Court finds by the greater  
26 weight of the evidence that the application of the guidelines would not meet or would  
27 exceed the reasonable needs of the child considering the relative ability of each parent  
28 to provide support or would be otherwise unjust or inappropriate the Court may vary  
29 from the guidelines. If the court orders an amount other than the amount determined by  
30 application of the presumptive guidelines, the court shall make findings of fact as to the  
31 criteria that justify varying from the guidelines and the basis for the amount ordered. In  
32 ~~all cases when requested by a party the court shall hear evidence and from the evidence find the~~  
33 ~~facts relating to the reasonable needs of the child for support and the relative ability of each~~  
34 ~~parent to pay support.~~

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

- 37 (1) If the child is otherwise emancipated, payments shall terminate at that  
38 time;
- 39 (2) If the child is still in primary or secondary school when he reaches age  
40 18, the court in its discretion may order support payments to continue  
41 until he graduates, otherwise ceases to attend school on a regular basis,  
42 or reaches age 20, whichever comes first."

43 Sec. 3. Prior to August 1, 1991, the Conference of Chief District Judges shall  
44 review and make applicable revisions to the presumptive child support guidelines that  
45 became effective July 1, 1990. The purpose of the review shall be to ensure that

1 payments ordered for the support of a minor child are in such amount as to meet the  
2 reasonable needs of the child for health, education, and maintenance, having due regard  
3 to the estates, earnings, conditions, accustomed standard of living of the child and the  
4 parties, the child care and homemaker contributions of each party, and other facts of the  
5 particular case.

6         The Conference shall give the Department of Human Resources, the  
7 Administrative Office of the Courts, and the general public an opportunity to comment  
8 on the new guidelines and any proposed changes. The Conference shall hold at least one  
9 public hearing with notice to be provided at least 30 days before the public hearing. The  
10 Conference shall consider fully all written and oral submissions regarding the new  
11 guidelines and any proposed changes. Upon promulgation, the new guidelines shall  
12 include commentary regarding the origin and basis for the guidelines.

13         The Administrative Office of the Courts and the Department of Human  
14 Resources shall compile information and gather statistics from a representative sample  
15 of counties on the new child support guidelines and report to the General Assembly.  
16 The report shall be filed with the General Assembly on or before February 1, 1991, and  
17 annually thereafter. The report shall include information regarding the parties' income,  
18 amount of child support awards, treatment of adjustments in the numerical calculations,  
19 and any other issues and problems associated with the new guidelines.

20         Sec. 4. Sections 1 and 2 of this act shall become effective October 1, 1990,  
21 and shall apply to court orders and written agreements entered on or after that date. The  
22 remainder of this act is effective upon ratification.