

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2400

Short Title: Delay Child Support Guidelines.

(Public)

Sponsors: Representatives S. Thompson; Barnes, Blue, Bowie, Colton, Dawkins, Easterling, Esposito, Flaherty, Foster, Gardner, Hackney, Hardaway, Holt, Howard, Huffman, Judy Hunt, Kennedy, Kerr, Lail, Lutz, Michaux, Payne, Perdue, Pope, Sizemore, Stam, Stamey, Wicker, P. Wilson, Wisser.

Referred to: Judiciary.

July 4, 1990

A BILL TO BE ENTITLED

AN ACT TO DELAY THE EFFECTIVE DATE OF PRESUMPTIVE CHILD SUPPORT GUIDELINES PRESCRIBED BY THE CONFERENCE OF CHIEF DISTRICT COURT JUDGES.

The General Assembly of North Carolina enacts:

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

"(c1) Effective ~~July~~ January 1, ~~1990~~ 1991, the Conference of Chief District Judges shall prescribe uniform statewide presumptive guidelines for the computation of child support obligations of each parent as provided in Chapter 50 or elsewhere in the General Statutes and shall develop criteria for determining when, in a particular case, application of the guidelines would be unjust or inappropriate. ~~Prior to May 1, 1990 these guidelines and criteria shall be reported to the General Assembly by the Administrative Office of the Courts by delivering copies to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.~~ The purpose of the guidelines and criteria shall be to ensure that payments ordered for the support of a minor child are 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

1 particular case. The guidelines shall include a procedure for setting child support, if
2 any, in a joint or shared custody arrangement which shall reflect the other statutory
3 requirements herein. The currently proposed guidelines shall be reviewed by the
4 Conference prior to January 1, 1991, and the Conference shall consider, among other
5 issues, the following during the review: (i) the fairness and advisability of including
6 homemaker contributions, potential or imputed income, standard of living, and health
7 insurance deductions for both parties, and (ii) the impact on high and low-income
8 families, the impact on support for subsequent children of either parent, and the impact
9 on the IV-D Program and the court system. The Conference shall give the Department
10 of Human Resources, the Administrative Office of the Courts, and the general public
11 sufficient time and opportunity to comment on the currently proposed guidelines and
12 any revisions.

13 Periodically, but at least once every four years, the Conference of Chief District
14 Judges shall review the guidelines to determine whether their application results in
15 appropriate child support award amounts. The Conference may modify the guidelines
16 accordingly. The Conference shall give the Department of Human Resources, the
17 Administrative Office of the Courts, and the general public an opportunity to provide
18 the Conference with information relevant to the development and review of the
19 guidelines. ~~Any modifications of the guidelines or criteria shall be reported to the General~~
20 ~~Assembly by the Administrative Office of the Courts before they become effective by~~
21 ~~delivering copies to the President Pro Tempore of the Senate and the Speaker of the House of~~
22 ~~Representatives.~~—The guidelines, when adopted or modified, shall be provided to the
23 Department of Human Resources and the Administrative Office of the Courts, which
24 shall disseminate them to the public through local IV-D offices, clerks of court, and the
25 media.

26 ~~Until July 1~~Through December 31, 1990, the advisory guidelines adopted by the
27 Conference of Chief District Judges pursuant to this subsection as formerly written shall
28 operate as presumptive guidelines and the factors adopted by the Conference of Chief
29 District Judges pursuant to this subsection as formerly written shall constitute criteria
30 for varying from the amount of support determined by the guidelines."

31 Sec. 2. This act is effective upon ratification.