

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 450  
Mar 27, 2013  
HOUSE PRINCIPAL CLERK

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HOUSE DRH80095-LU-86 (03/07)

Short Title: Continue Child Supp/21 Yrs/College Students.

(Public)

Sponsors: Representative Starnes.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW CHILD SUPPORT PAYMENTS TO CONTINUE UNTIL THE AGE  
3 OF TWENTY-ONE IF THE CHILD IS ATTENDING A COMMUNITY COLLEGE,  
4 COLLEGE, OR UNIVERSITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 50-13.4(c) reads as rewritten:

7 "(c) Payments ordered for the support of a minor child shall be in such amount as to  
8 meet the reasonable needs of the child for health, education, and maintenance, having due  
9 regard to the estates, earnings, conditions, accustomed standard of living of the child and the  
10 parties, the child care and homemaker contributions of each party, and other facts of the  
11 particular case. Payments ordered for the support of a minor child shall be on a monthly basis,  
12 due and payable on the first day of each month. The requirement that orders be established on a  
13 monthly basis does not affect the availability of garnishment of disposable earnings based on an  
14 obligor's pay period.

15 The court shall determine the amount of child support payments by applying the  
16 presumptive guidelines established pursuant to subsection (c1) of this section. However, upon  
17 request of any party, the Court shall hear evidence, and from the evidence, find the facts  
18 relating to the reasonable needs of the child for support and the relative ability of each parent to  
19 provide support. If, after considering the evidence, the Court finds by the greater weight of the  
20 evidence that the application of the guidelines would not meet or would exceed the reasonable  
21 needs of the child considering the relative ability of each parent to provide support or would be  
22 otherwise unjust or inappropriate the Court may vary from the guidelines. If the court orders an  
23 amount other than the amount determined by application of the presumptive guidelines, the  
24 court shall make findings of fact as to the criteria that justify varying from the guidelines and  
25 the basis for the amount ordered.

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

- 28 (1) If the child is otherwise emancipated, payments shall terminate at that time;  
29 (2) If the child is still in primary or secondary school when the child reaches age  
30 18, support payments shall continue until the child graduates, otherwise  
31 ceases to attend school on a regular basis, fails to make satisfactory  
32 academic progress towards graduation, or reaches age 20, whichever comes  
33 first, unless the court in its discretion orders that payments cease at age 18 or  
34 prior to high school ~~graduation-graduation~~; or  
35 (3) If the child is attending a community college, college, or university as a  
36 full-time student, support payments shall continue until the child reaches age



1 21 unless the child ceases to attend school on a regular basis or fails to make  
2 satisfactory academic progress towards graduation. After age 18, child  
3 support payments made pursuant to this subdivision shall be paid directly to  
4 the community college, college, or university for the child's college tuition  
5 or expenses.

6 In the case of ~~graduation~~, graduation or attaining age ~~20~~, 20 or where the child is no longer  
7 attending a community college, college, or university as a full-time student, payments shall  
8 terminate without order by the court, subject to the right of the party receiving support to show,  
9 upon motion and with notice to the opposing party, that the child has not graduated or attained  
10 the age of ~~20~~, 20 or that the child is still attending a community college, college, or university as  
11 a full-time student.

12 If an arrearage for child support or fees due exists at the time that a child support obligation  
13 terminates, payments shall continue in the same total amount that was due under the terms of  
14 the previous court order or income withholding in effect at the time of the support obligation.  
15 The total amount of these payments is to be applied to the arrearage until all arrearages and fees  
16 are satisfied or until further order of the court."

17 **SECTION 2.** This act is effective when it becomes law and applies to actions for  
18 child support on or after that date.