

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

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

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

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

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

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

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

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

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

41 Sec. 3. Prior to August 1, 1991, the Conference of Chief District Judges shall
42 review and make applicable revisions to the presumptive child support guidelines that
43 became effective July 1, 1990. The purpose of the review shall be to ensure that
44 payments ordered for the support of a minor child are in such amount as to meet the
45 reasonable needs of the child for health, education, and maintenance, having due regard

1 to the estates, earnings, conditions, accustomed standard of living of the child and the
2 parties, the child care and homemaker contributions of each party, and other facts of the
3 particular case.

4 The Conference shall give the Department of Human Resources, the
5 Administrative Office of the Courts, and the general public an opportunity to comment
6 on the new guidelines and any proposed changes. The Conference shall hold at least one
7 public hearing with notice to be provided at least 30 days before the public hearing. The
8 Conference shall consider fully all written and oral submissions regarding the new
9 guidelines and any proposed changes. Upon making a final decision regarding the
10 guidelines, the Conference shall issue Commentary regarding the presumptions
11 incorporated in the guidelines and the reasons for making or not making any changes.

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

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