

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 501
Second Edition Engrossed 5/9/95

Short Title: Grandparent Child Supp. Liability.

(Public)

Sponsors: Senator Rand.

Referred to: Judiciary II/Election Laws

March 28, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE PARENTS OF A DEPENDENT CHILD WHO IS THE
2 PARENT OF A DEPENDENT CHILD TO CONTRIBUTE TO THE SUPPORT OF
3 THEIR GRANDCHILD.
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5 The General Assembly of North Carolina enacts:

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

7 "(b) In the absence of pleading and proof that the circumstances otherwise warrant,
8 the father and mother shall be primarily liable for the support of a minor ~~child, and child.~~
9 In the absence of pleading and proof that the circumstances otherwise warrant, parents of
10 a minor, unemancipated child who is the custodial or noncustodial parent of a child shall
11 share this primary liability for their grandchild's support with the minor parent, the court
12 determining the proper share, until the minor parent reaches the age of 18 or becomes
13 emancipated. In the absence of pleading and proof that the circumstances otherwise
14 warrant, any other person, agency, organization or institution standing in loco parentis
15 shall be secondarily liable for such support. Such other circumstances may include, but
16 shall not be limited to, the relative ability of all the above-mentioned parties to provide
17 support or the inability of one or more of them to provide support, and the needs and
18 estate of the child. The judge may enter an order requiring any one or more of the above-
19 mentioned parties to provide for the support of the child as may be appropriate in the

1 particular case, and if appropriate the court may authorize the application of any separate
2 estate of the child to his support. However, the judge may not order support to be paid by
3 a person who is not the child's parent or an agency, organization or institution standing in
4 loco parentis absent evidence and a finding that such person, agency, organization or
5 institution has voluntarily assumed the obligation of support in writing. The preceding
6 sentence shall not be construed to prevent any court from ordering the support of a child
7 by an agency of the State or county which agency may be responsible under law for such
8 support."

9 Sec. 2. G.S. 110-129(3) reads as rewritten:

10 "(3) 'Responsible parent' means the natural or adoptive parent of a dependent
11 child who has the legal duty to support said child and includes the father
12 of an illegitimate ~~child~~-child and the parents of a dependent child who is
13 the custodial or noncustodial parent of the dependent child requiring
14 support."

15 Sec. 3. This act becomes effective October 1, 1995, and applies to child
16 support assessed for children born on or after that date.