

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 415

Short Title: Grandparents' Child Support Clarification.

(Public)

Sponsors: Representatives Berry; and Culp.

Referred to: Judiciary II.

March 6, 1997

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW REGARDING GRANDPARENTS' LIABILITY
FOR CERTAIN CHILD SUPPORT.

The General Assembly of North Carolina enacts:

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

"(b) In the absence of pleading and proof that the circumstances otherwise warrant, the father and mother shall be primarily liable for the support of a minor child. In the absence of pleading and proof that the circumstances otherwise warrant, parents of a minor, unemancipated child who is the custodial or noncustodial parent of a child shall share this primary liability for their grandchild's support with the minor parent, the court determining the proper share, until the minor parent reaches the age of 18 or becomes emancipated. If both the parents of the child requiring support were unemancipated minors at the time of the child's conception, the parents of both minor parents share primary liability for their grandchild's support until both minor parents reach the age of 18 or become emancipated. If only one parent of the child requiring support was an unemancipated minor at the time of the child's conception, the parents of both parents are liable for any arrearages in child support owed by the adult or emancipated parent until the other parent reaches the age of 18 or becomes emancipated. In the absence of pleading and proof that the circumstances otherwise warrant, any other person, agency, organization or institution standing in loco parentis shall be secondarily liable for such

1 this support. Such other circumstances may include, but shall not be limited to, the
2 relative ability of all the above-mentioned parties to provide support or the inability of
3 one or more of them to provide support, and the needs and estate of the child. The judge
4 may enter an order requiring any one or more of the above-mentioned parties to provide
5 for the support of the child as may be appropriate in the particular case, and if appropriate
6 the court may authorize the application of any separate estate of the child to his support.
7 However, the judge ~~may~~ shall not order support to be paid by a person who is not the
8 child's ~~parent~~ parent, grandparent, or an agency, organization or institution standing in
9 loco parentis absent evidence and a finding that ~~such~~ the person, agency, organization or
10 institution has voluntarily assumed the obligation of support in writing. The preceding
11 sentence shall not be construed to prevent any court from ordering the support of a child
12 by an agency of the State or county which agency may be responsible under law for ~~such~~
13 the support."

14 Section 2. This act is effective when it becomes law.