

Introduced by

Senator W. Stenehjem

1 A BILL for an Act to amend and reenact section 14-09-08.2 of the North Dakota Century Code,
2 relating to child support for children after majority.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-09-08.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-09-08.2. Support for children after majority - Retroactive application.**

- 7 1. A judgment or order requiring the payment of child support until the child attains
8 majority continues as to the child until the end of the month during which the child
9 is graduated from high school or attains the age of nineteen years, whichever
10 occurs first, if:
- 11 a. The child is enrolled and attending high school and is eighteen years of age
12 prior to the date the child is expected to be graduated; and
 - 13 b. The child resides with the person to whom the duty of support is owed.
- 14 2. A judgment or order may require payment of child support after majority under
15 substantially the circumstances described in subsection 1.
- 16 3. The person to whom the duty of support is owed ~~shall~~ under either subsection 1 or
17 2 may file an affidavit with the district court stating that the requirements of
18 subsection 1 are met, the school in which the child is enrolled, and the anticipated
19 date of the child's graduation. Upon filing of the affidavit, the child support
20 continues pursuant to subsection 1 or pursuant to the terms of a judgment or order
21 described in subsection 2. A fee may not be charged for filing such an affidavit.
- 22 4. The clerk of court shall serve the affidavit by first-class mail upon the person owing
23 the duty of support. ~~Upon the filing of the affidavit, the child support continues~~
24 ~~pursuant to subsection 1.~~ If at anytime thereafter the person owing the duty of

1 support files a motion with the court, ~~within twenty days subsequent to service of~~
2 ~~the affidavit, requesting a hearing before the district court, supported by that~~
3 ~~person's affidavit that the child is no longer enrolled in or attending high school, the~~
4 court shall determine if the ~~requirements of subsection 1 are met~~ child is enrolled
5 in and attending high school and shall enter an order accordingly.

6 ~~3.~~ 5. This section applies to child support orders concerning children described in
7 subsection 1 or 2, regardless of the date of entry of the order, provided that the
8 affidavit described in subsection ~~2~~ 3 is filed not later than ninety days after the
9 child graduates from high school or reaches age nineteen, whichever ~~comes~~
10 occurs first.

11 ~~4.~~ 6. This section does not preclude the entry of an order for child support which
12 continues after the child reaches age eighteen, if the parties agree or if the court
13 determines the support to be appropriate.

14 7. For purposes of this section, a child is treated as being in school during summer
15 vacation if the child was enrolled in and attending school and did not graduate from
16 high school at the end of the school period immediately preceding the summer
17 vacation.