

1999 SENATE JUDICIARY
SB 2073

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2073

Senate Judiciary Committee

Conference Committee

Hearing Date January 11, 1999

Tape Number	Side A	Side B	Meter #
1	x		680 -2068
2-10-99 2	x		2140 - 2355
Committee Clerk Signature <i>Jackie Follman</i>			

Minutes:

SB2073 relates to child support for children after majority.

SENATOR STENEHJEM opened the hearing on SB2073 at 9:30 A.M.

All were present except Senator Bercier.

BLAINE NORDWALL, Department of Human Services, testified in support of SB2073.

Testimony attached.

DANIEL BIESHEUVEL, R-KIDS of North Dakota, testified in opposition of SB2073.

Testimony attached.

SENATOR STENEHJEM stated that under the law a child has to be under the age of 18 and living with the custodial parent.

YVONNE HARLOW, R-KYDS of North Dakota testified in opposition of SB2073. Her concern is a granddaughter who is living with a mother and it appears to me she will probably

leave the home and possibly go to work full-time and be on her own at the age of 16. At that point, can the child support be discontinued or given to the emancipated child. Is there a legal process to be followed or what can be done to accomplish this. I do not feel the father has the means to pay the child support to the mother.

SENATOR STENEHJEM stated that we do not have statutes in North Dakota that provides for emancipation of minor children from their parents.

MIKE SCHWINDT, Director of Child Support Program, explained the statewide child support payments. This program is going very well. All child support are getting into the system and the checks will be processed through this system.

SENATOR TRAYNOR asked about the turn around time for checks.

MIKE SCHWINDT stated that it was a 2 day turn around.

SENATOR STENEHJEM CLOSED the hearing on SB2073.

February 10, 1999 Tape 1, Side A

Discussion.

SENATOR WATNE made a motion for DO PASS, SENATOR LYSON seconded. Motion carried. 6 - 0 - 0

SENATOR LYSON will carry the bill.

Date: 2-10-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2073

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Watne Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
SenatorCarolyn Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Lyson

REPORT OF STANDING COMMITTEE (410)
February 11, 1999 7:35 a.m.

Module No: SR-28-2520
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2073: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2073 was placed on the
Eleventh order on the calendar.

1999 HOUSE JUDICIARY

SB 2073

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. : 2073

House Judiciary Committee

Conference Committee

Hearing Date : March 10, 1999

Tape Number	Side A	Side B	Meter #
1		X	45.2
Committee Clerk Signature <i>Alan Ginsberg</i>			

Minutes:

BLAINE NORDWALL (Hum Ser) Presented written testimony, a copy of which is attached.

COMMITTEE ACTION

REP. KLEMIN moved that the bill be amended to clarify the question of graduation. Rep.

Delmore seconds and the motion passed on a voice vote.

REP. DELMORE moved that the committee recommend that the bill DO PASS AS

AMENDED. Rep. Gunter seconded and the motion passed on a roll call vote with 13 ayes, 0

nays and 2 absent. Rep. Gunter was assigned to carry the bill on the floor.

Date: 3/10/99
Roll Call Vote #: _____

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2073

House JUDICIARY Committee _____

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass as Amend

Motion Made By Delmore Seconded By Gunter

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	✓		REP. KELSH		
REP. CLEARY	✓		REP. KLEMIN	✓	
REP. DELMORE	✓		REP. KOPPELMAN	✓	
REP. DISRUD	✓		REP. MAHONEY	✓	
✓ REP. FAIRFIELD			REP. MARAGOS	✓	
REP. GORDER	✓		REP. MEYER	✓	
REP. GUNTER	✓		REP. SVEEN	✓	
REP. HAWKEN	✓				

Total Yes 13 No 0

Absent 2

Floor Assignment Gunter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 11, 1999 1:25 p.m.

Module No: HR-44-4553
Carrier: Gunter
Insert LC: 98049.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2073: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2073 was placed on the Sixth order on the calendar.

Page 2, line 15, after the first "school" insert "and did not graduate from high school"

Renumber accordingly

1999 TESTIMONY

SB 2073

**TESTIMONY BEFORE THE
SENATE JUDICIARY COMMITTEE
REGARDING SENATE BILL NO. 2073
January 11, 1999**

Chairman Stenehjem and members of the Senate Judiciary Committee, my name is Blaine Nordwall, and I appear on behalf of the Department of Human Services.

The department supports Senate Bill 2073.

During discussions with the regional child support enforcement office staff, they raised concerns about the existing administration of section 14-09-08.2.

- Some clerks were charging a filing fee for filing an affidavit that an 18-year old is still in high school.**
- It has become common for child support orders to require payment of child support after majority, using language parallel to that found in section 14-09-08.2, but which technically removes those orders from the description in subsection 1 (an "order requiring the payment of child support until the child attains majority").**
- Treatment concerning support during summer vacations remains variable.**
- Obligors have complained that they should be permitted to bring a motion to end the child support if an 18-year old drops out of school.**

Senate Bill 2073 resolves all of these problems. It would eliminate the possibility of a filing fee (page 1, line 21). It would apply the section to orders that already

require payment of support after the child's majority (page 1, lines 14 and 15). It would specify treatment during summer vacations (page 2, lines 14 through 16). And it would give the obligor both knowledge of where the child is enrolled and an opportunity to ask the court to terminate support if the child leaves high school (page 1, lines 18 and 19, and page 2, lines 2 through 5).

For all of these reasons, the Department of Human Services urges this committee to recommend a "do pass" on Senate Bill No. 2073.

Presented by:

Blaine L. Nordwall
Director, Legal Advisory Unit
ND Department of Human Services

Fifty-sixth Legislative Assembly
Senate Bill 2073
January 11, 1999 9:30 am Ft Lincoln Room

Chairman Stenehjem, and members of the Senate Judiciary committee. My name is Daniel Biesheuvel, I am a lobbyist for R-KIDS of North Dakota. R-KIDS is dedicated to the best interest of the children of divorce.

When a support obligation is owed beyond the age of majority, other circumstances beside graduation may come into play. There are cases I am familiar with, where a minor child has petitioned the court for liberation from their parents or guardian. These minors have established their own identity and existence outside of the custodial home, and live in their own apartments, and have their own jobs.

In the case of legal liberation from the custodial parent or guardian, special considerations must be made. When a minor is granted legal liberation, before the age of majority, and is living on their own, the child support obligation should be discontinued to the previous custodial parent or guardian, and directed to the liberated minor child. Once the child support receiving minor child reaches age of majority, graduated from or leaves high school, the support obligation can be reviewed and dealt with accordingly.

I feel the amendments to the existing statute is necessary, and the aforementioned liberation scenario be included.

Thank you and I will attempt to answer any questions.