

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE JOINT RESOLUTION 274

Sponsors: Representatives Hackney, Alexander, Braswell, Decker, Easterling, McAllister; Cummings, Gardner, Hurley, and Luebke.

Referred to: Rules, Calendar and Operations of the House.

February 23, 1995

1 A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY FAMILY LAW REFORM.

3 Whereas, the increasing case load of district courts throughout the State often
4 results in prolonging the resolution of domestic matters; and

5 Whereas, procedural and remedial changes are needed in order to expedite the
6 resolution of equitable distribution and child support and custody issues before the
7 court. Such changes are needed so that parents and children involved in divorce may
8 lead their lives free of extensive and costly litigation that obstructs emotional healing,
9 interferes with harmonious child rearing, and depletes family resources that can best be
10 used for life's essentials; and

11 Whereas, strides have been made in ensuring an equitable distribution of
12 marital property, child support awards that address the needs of children and the
13 financial abilities of parents, and better methods for collecting current and past due child
14 support, problems continue to exist in these areas. State law and judicial system
15 practice should be regularly reviewed to ensure that necessary changes are made that
16 enure to the benefit of children, their parents, and the State; and

17 Whereas, the 1993-95 LRC Family Issues Study Committee proposed six
18 bills to address some of the problems in equitable distribution and alimony, there
19 remains much work to do in addressing the many complex problems related to family
20 law;

21 Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

1 Section 1. The Legislative Research Commission may continue its study of
2 the necessity for family law reform. The study should include the following issues:

- 3 (1) Procedural changes and additional remedies necessary to expedite the
4 resolution of matters pertaining to equitable distribution, child support
5 awards and collection, and other relevant domestic issues before the
6 court;
- 7 (2) Review of the recently adopted child support guidelines to determine if
8 additional factors should be considered in determining child support
9 amounts;
- 10 (3) Consideration of the report of the North Carolina Association of
11 District Court Judges entitled: "A Search for Solutions: A Report by
12 the Committee to Assess Equitable Distribution Procedures and
13 Dispositions in the North Carolina District Court", October 1994; and
- 14 (4) Other family law matters that the 1993 LRC Family Issues Committee
15 did not have sufficient time to fully study and address.

16 Sec. 2. In making appointments to this study committee, the Commission
17 may ensure that public membership on the committee fairly represents the following:

- 18 (1) Members of the family law section of the North Carolina Bar
19 Association;
- 20 (2) District court judges and clerks of court;
- 21 (3) Persons qualified to provide mediation services in child custody
22 matters referred by the court; and
- 23 (4) Citizens who are not affiliated with the legal profession or court
24 system, but who have been a party to a child custody or support, or
25 equitable distribution matter heard or decided by the court within the
26 last five years.

27 Sec. 3. The LRC Committee on Family Law Reform may report to the 1995
28 General Assembly, Regular Session 1996, and may make its final report to the 1997
29 General Assembly.

30 Sec. 4. There is appropriated from the General Fund to the Legislative
31 Research Commission the sum of fifteen thousand dollars (\$15,000) for the 1995-96
32 fiscal year and the sum of fifteen thousand dollars (\$15,000) for the 1996-97 fiscal year
33 to continue the study of family law reform.

34 Sec. 5. This resolution is effective upon ratification.