

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO DOMESTIC RELATIONS-SUPPORT OF CHILDREN

Introduced By: Senator Ryan W. Pearson

Date Introduced: March 02, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-9-1 of the General Laws in Chapter 15-9 entitled "Support of  
2 Children [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
3 amended to read as follows:

4 **15-9-1. Duty of parent to pay support and maintenance to the agency or person**  
5 **having custody of the child.**

6 (a) Whenever the department of children, youth and families shall pay for the support and  
7 maintenance of any child pursuant to §§ 42-72-13 and 42-72-14, or whenever another  
8 department, agency, society, institution, or person having the charge, care, or custody of a child  
9 shall pay for the support and maintenance of the child, the court shall order either or both parents  
10 owing a duty of support to a child to pay an amount based upon a formula and guidelines adopted  
11 by an administrative order of the family court. If, after calculating support based upon court  
12 established formula and guidelines, the court, in its discretion, finds the proposed order would be  
13 inequitable to the child or either parent, the court shall make findings of fact and shall order either  
14 or both parents owing a duty of support to pay an amount reasonable or necessary for the child's  
15 support after considering all relevant factors, including, but not limited to:

16 (1) The financial resources of the child;

17 (2) The financial resources of the custodial parent;

18 (3) The standard of living the child would have enjoyed had the marriage not been  
19 dissolved;

1 (4) The physical and emotional condition of the child and his or her educational needs;  
2 and

3 (5) The financial resources and needs of the non-custodial parent.

4 (b) If it deems necessary or advisable, the court may order child support and education  
5 costs for children ~~attending high school at the time of their eighteenth (18th) birthday and for~~  
6 ~~ninety (90) days after graduation, but in no case beyond their nineteenth (19th) birthday~~ until such  
7 time as the child has attained the age of twenty-one (21). The court may make appropriate orders  
8 of maintenance, support and education for any child who has attained age twenty-one (21), but  
9 who has not attained age twenty-three (23), if the child is domiciled in the home of a parent, and  
10 is principally dependent upon that parent for maintenance due to the enrollment of the child in an  
11 educational program. In addition, the court may order the support of a child with a severe  
12 physical or mental impairment to continue until the ~~twenty-first (21st)~~ twenty-third birthday of  
13 the child.

14 (c) After a decree for support has been entered and upon the petition of either party, the  
15 court may review and alter its decree relative to the amount and payment of support. If the court  
16 finds that a substantial change in circumstances has occurred, the decree may be made retroactive  
17 to the date that notice of a petition to modify was given to the adverse party. In such a case the  
18 court shall set forth in its decision the specific findings of fact which show a substantial change in  
19 circumstances and why the decree should be made retroactive.

20 (d) Any order for child support issued by the family court shall contain a provision  
21 requiring either or both parents owing a duty of support to a child to obtain health insurance  
22 coverage for the child when such coverage is available to the parent or parents through their  
23 employment without cost or at a reasonable cost. "Reasonable cost" shall be defined in  
24 accordance with guidelines adopted by administrative order of the family court in conjunction  
25 with the child support guidelines.

26 (e) Any existing child support orders may be modified in accordance with this section  
27 unless the court makes specific written findings of fact that take into consideration the best  
28 interests of the child and conclude that a child support order or medical order would be unjust or  
29 inappropriate in a particular case.

30 (f) In addition, the national medical support notice shall be issued with respect to all  
31 orders issued, enforced, or modified on or after October 1, 2002, in accordance with chapter 29 of  
32 this title. The notice shall inform the employer of provisions in the child support order for health  
33 care coverage for the child and of the method to implement this coverage. In lieu of the court  
34 ordering the non-custodial parent to obtain or maintain health care coverage for the child, the

1 court may order the non-custodial parent to contribute a weekly cash amount towards the medical  
2 premium for health care coverage paid by the state of Rhode Island and/or the custodial parent.  
3 The method to determine a reasonable weekly amount shall be addressed in a family court  
4 administrative order pertaining to the child support guidelines.

5 (g) All support orders established or modified in the state on or after October 1, 1998,  
6 shall be recorded with the Rhode Island family court/department of administration, division of  
7 taxation child support computer enforcement system. The system maintains the official registry of  
8 support orders entered in accordance with applicable administrative orders issued by the Rhode  
9 Island family court.

10 (h) In any subsequent child support enforcement action between the parties, upon  
11 sufficient showing that a diligent effort has been made to ascertain the location of such a party,  
12 the court may allow for notice and service of process to be made by first class mail or by service  
13 of written notice to the most recent residential or employer address of record, as specified in the  
14 Rhode Island rules of procedure for domestic relations for the Family Court of Rhode Island.

15 (i) The department of children, youth, and families shall not seek child support for  
16 services to the child which are special education services as defined under state and federal law  
17 and pursuant to the regulations of the board of regents for elementary and secondary education  
18 governing the special education of students with disabilities, section two, I., 1.0-4.11 and 34  
19 C.F.R. Part 300.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO DOMESTIC RELATIONS-SUPPORT OF CHILDREN

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1           This act would provide for child support for children until they reach the age of twenty-  
2 one (21), or twenty-three (23) if the child lives with a parent, and is dependent upon that parent  
3 for maintenance due to the enrollment of the child in an educational program.

4           This act would take effect upon passage.

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