

2024 -- H 7904

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LC004873
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO DOMESTIC RELATIONS -- SUPPORT OF CHILDREN

Introduced By: Representatives Casimiro, Cruz, Noret, Serpa, Diaz, and Alzate

Date Introduced: March 04, 2024

Referred To: House Finance

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3 repealed.

4 ~~**15-9-1. Duty of parent to pay support and maintenance to the agency or person having**~~
5 ~~**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 department,~~
8 ~~agency, society, institution, or person having the charge, care, or custody of a child shall pay for~~
9 ~~the support and maintenance of the child, the court shall order either or both parents owing a duty~~
10 ~~of support to a child to pay an amount based upon a formula and guidelines adopted by an~~
11 ~~administrative order of the family court. If, after calculating support based upon court established~~
12 ~~formula and guidelines, the court, in its discretion, finds the proposed order would be inequitable~~
13 ~~to the child or either parent, the court shall make findings of fact and shall order either or both~~
14 ~~parents owing a duty of support to pay an amount reasonable or necessary for the child's support~~
15 ~~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; and~~

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

3 ~~(b) If it deems necessary or advisable, the court may order child support and education~~
4 ~~costs for children attending high school at the time of their eighteenth (18th) birthday and for ninety~~
5 ~~(90) days after graduation, but in no case beyond their nineteenth (19th) birthday. In addition, the~~
6 ~~court may order the support of a child with a severe physical or mental impairment to continue until~~
7 ~~the twenty first (21st) birthday of the child.~~

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

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

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

24 ~~(f) In addition, the national medical support notice shall be issued with respect to all orders~~
25 ~~issued, enforced, or modified on or after October 1, 2002, in accordance with chapter 29 of this~~
26 ~~title. The notice shall inform the employer of provisions in the child support order for health care~~
27 ~~coverage for the child and of the method to implement this coverage. In lieu of the court ordering~~
28 ~~the non-custodial parent to obtain or maintain health care coverage for the child, the court may~~
29 ~~order the non-custodial parent to contribute a weekly cash amount towards the medical premium~~
30 ~~for health care coverage paid by the state of Rhode Island and/or the custodial parent. The method~~
31 ~~to determine a reasonable weekly amount shall be addressed in a family court administrative order~~
32 ~~pertaining to the child support guidelines.~~

33 ~~(g) All support orders established or modified in the state on or after October 1, 1998, shall~~
34 ~~be recorded with the Rhode Island family court/department of administration, division of taxation~~

1 ~~child support computer enforcement system. The system maintains the official registry of support~~
2 ~~orders entered in accordance with applicable administrative orders issued by the Rhode Island~~
3 ~~family court.~~

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

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

13 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

- 1 This act would repeal the law requiring a parent to pay support and maintenance to agencies
- 2 having custody of their child
- 3 This act would take effect upon passage.

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