

HOUSE BILL 955

D4

7lr0966

By: **Delegates Hill, Anderson, Barkley, Dumais, Ebersole, Lierman, A. Miller, Morales, Patterson, Proctor, Queen, Turner, and M. Washington**

Introduced and read first time: February 6, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Age of Majority – Jurisdiction of Court**

3 FOR the purpose of providing that an equity court shall retain jurisdiction for the purpose
4 of awarding child support, in accordance with the child support guidelines, for a child
5 who has attained the age of 18 years and who is enrolled in secondary school;
6 providing that an equity court shall retain jurisdiction for the purpose of awarding
7 child support for a child who has attained the age of 18 years and who is enrolled in
8 an institution of postsecondary education; requiring the court to consider certain
9 factors in determining a certain award of support; providing that certain support
10 terminates on the occurrence of certain events; repealing certain provisions of law
11 relating to the right of a certain individual who has attained the age of 18 years to
12 receive support and maintenance; defining a certain term; and generally relating to
13 the jurisdiction of an equity court.

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 1–201
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – General Provisions
21 Section 1–401
22 Annotated Code of Maryland
23 (2014 Volume and 2016 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article – Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1-201.

2 (a) For the purposes of subsection (b)(10) of this section, "child" means an
3 unmarried individual under the age of 21 years.

4 (b) An equity court has jurisdiction over:

5 (1) adoption of a child, except for a child who is under the jurisdiction of
6 any juvenile court and who previously has been adjudicated to be a child in need of
7 assistance;

8 (2) alimony;

9 (3) annulment of a marriage;

10 (4) divorce;

11 (5) custody or guardianship of a child except for a child who is under the
12 jurisdiction of any juvenile court and who previously has been adjudicated to be a child in
13 need of assistance;

14 (6) visitation of a child;

15 (7) legitimation of a child;

16 (8) paternity;

17 (9) support of a child; and

18 (10) custody or guardianship of an immigrant child pursuant to a motion for
19 Special Immigrant Juvenile factual findings requesting a determination that the child was
20 abused, neglected, or abandoned before the age of 18 years for purposes of § 101(a)(27)(J)
21 of the federal Immigration and Nationality Act.

22 (c) In exercising its jurisdiction over the custody, guardianship, visitation, or
23 support of a child, an equity court may:

24 (1) direct who shall have the custody or guardianship of a child, pendente
25 lite or permanently;

26 (2) determine who shall have visitation rights to a child;

27 (3) decide who shall be charged with the support of the child, pendente lite
28 or permanently;

1 (4) from time to time, set aside or modify its decree or order concerning the
2 child; or

3 (5) issue an injunction to protect a party to the action from physical harm
4 or harassment.

5 (D) (1) AN EQUITY COURT SHALL RETAIN JURISDICTION FOR THE
6 PURPOSE OF ORDERING SUPPORT, IN ACCORDANCE WITH THE CHILD SUPPORT
7 GUIDELINES UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE, FOR A CHILD WHO HAS
8 ATTAINED THE AGE OF 18 YEARS AND WHO IS ENROLLED IN SECONDARY SCHOOL.

9 (2) SUPPORT AWARDED UNDER THIS SUBSECTION SHALL TERMINATE
10 ON THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:

11 (I) THE CHILD DIES;

12 (II) THE CHILD MARRIES;

13 (III) THE CHILD IS EMANCIPATED;

14 (IV) THE CHILD GRADUATES FROM OR IS NO LONGER ENROLLED
15 IN SECONDARY SCHOOL; OR

16 (V) THE CHILD ATTAINS THE AGE OF 19 YEARS.

17 (E) (1) IN THIS SUBSECTION, “INSTITUTION OF POSTSECONDARY
18 EDUCATION” MEANS A SCHOOL OR OTHER INSTITUTION THAT OFFERS AN
19 EDUCATIONAL OR VOCATIONAL TRAINING PROGRAM FOR INDIVIDUALS WHO ARE AT
20 LEAST 16 YEARS OLD AND WHO HAVE GRADUATED FROM OR LEFT ELEMENTARY OR
21 SECONDARY SCHOOL.

22 (2) AN EQUITY COURT SHALL RETAIN JURISDICTION FOR PURPOSES
23 OF ORDERING SUPPORT FOR A CHILD WHO HAS ATTAINED THE AGE OF 18 YEARS AND
24 WHO IS ENROLLED FOR AT LEAST 12 HOURS OF CREDIT PER SEMESTER OR THE
25 EQUIVALENT OF 12 HOURS OF CREDIT IN AN INSTITUTION OF POSTSECONDARY
26 EDUCATION.

27 (3) IN DETERMINING AN AWARD OF SUPPORT UNDER THIS SECTION,
28 THE COURT SHALL CONSIDER:

29 (I) THE ABILITY OF THE PARENTS TO PAY;

30 (II) THE CHILD’S NEED FOR SUPPORT;

1 (III) THE AVAILABILITY OF FINANCIAL AID FROM OTHER
2 SOURCES, INCLUDING GRANTS AND LOANS;

3 (IV) THE CHILD'S PREPARATION FOR, APTITUDE FOR, AND
4 COMMITMENT TO POSTSECONDARY EDUCATION; AND

5 (V) THE INSTITUTION OF POSTSECONDARY EDUCATION IN
6 WHICH THE CHILD IS ENROLLED.

7 (4) SUPPORT AWARDED UNDER THIS SUBSECTION SHALL TERMINATE
8 ON THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:

9 (I) THE CHILD DIES;

10 (II) THE CHILD MARRIES;

11 (III) THE CHILD IS EMANCIPATED;

12 (IV) THE CHILD GRADUATES FROM OR IS NO LONGER ENROLLED
13 FOR AT LEAST 12 HOURS OF CREDIT PER SEMESTER OR THE EQUIVALENT OF 12
14 HOURS OF CREDIT IN AN INSTITUTION OF POSTSECONDARY EDUCATION; OR

15 (V) THE CHILD ATTAINS THE AGE OF 23 YEARS.

16 [(d)] (F) This section does not take away or impair the jurisdiction of a juvenile
17 court or a criminal court with respect to the custody, guardianship, visitation, and support
18 of a child.

19 Article – General Provisions

20 1–401.

21 (a) [(1)] The age of majority is 18 years.

22 [(2)] (B) Except as [provided in subsection (b) of this section or as]
23 otherwise specifically provided by statute, an individual at least 18 years old is an adult for
24 all purposes and has the same legal capacity, rights, powers, privileges, duties, liabilities,
25 and responsibilities that an individual at least 21 years old had before July 1, 1973.

26 [(b) An individual who has attained the age of 18 years and who is enrolled in
27 secondary school has the right to receive support and maintenance from both of the
28 individual's parents until the first to occur of the following events:

29 (1) the individual dies;

- 1 (2) the individual marries;
- 2 (3) the individual is emancipated;
- 3 (4) the individual graduates from or is no longer enrolled in secondary
- 4 school; or
- 5 (5) the individual attains the age of 19 years.]

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

7 October 1, 2017.