

Department of Legislative Services
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 955
Judiciary

(Delegate Hill, *et al.*)

Family Law - Age of Majority - Jurisdiction of Court

This bill requires an equity court to retain jurisdiction for the purpose of ordering support, in accordance with the child support guidelines, for a child who has reached age 18 and who is enrolled in a secondary school. An equity court must also retain jurisdiction for purposes of ordering support for a child who has reached age 18 and who is enrolled in an “institution of postsecondary education,” as specified.

Fiscal Summary

State Effect: General and federal fund expenditures for the Department of Human Resources (DHR) increase by an estimated total of \$651,100 in FY 2018 for programming changes; general and federal fund expenditures may increase further to the extent additional staff is required, as discussed below. The bill is not anticipated to materially impact the workload of the Judiciary. Minimal increase in special fund revenues to the extent that the bill increases child support collections for specified individuals.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
SF Revenue	-	-	-	-	-
GF Expenditure	\$221,400	-	-	-	-
FF Expenditure	\$429,700	-	-	-	-
Net Effect	(\$651,100)	(-)	(-)	(-)	(-)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Bill Summary: An equity court must retain jurisdiction for the purpose of ordering child support for a child who has reached age 18 and is enrolled in secondary school. Support terminates on the first to occur of the following events: (1) the child dies; (2) the child marries; (3) the child is emancipated; (4) the child graduates from or is no longer enrolled in secondary school; or (5) the child reaches age 19. The bill repeals general provisions regarding the right of an individual who has reached age 18 and enrolled in secondary school to receive support and maintenance from both parents until the first of one of the aforementioned events occurs.

An equity court must retain jurisdiction for purposes of ordering support for a child who has reached age 18 and who is enrolled for at least 12 hours of credit per semester or the equivalent of 12 hours of credit in an institution of postsecondary education. In determining an award of support, the court must consider (1) the ability of the parents to pay; (2) the child's need for support; (3) the availability of financial aid from other sources, including grants and loans; (4) the child's preparation for, aptitude for, and commitment to postsecondary education; and (5) the institution of postsecondary education in which the child is enrolled. Support terminates on the first to occur of the following events: (1) the child dies; (2) the child marries; (3) the child is emancipated; (4) the child graduates from or is no longer enrolled for at least 12 hours of credit per semester or the equivalent of 12 hours of credit in an institution of postsecondary education; or (5) the child reaches age 23.

An "institution of postsecondary education" means a school or other institution that offers an educational or vocational training program for individuals who are at least age 16 and who have graduated from or left elementary or secondary school.

Current Law: An equity court has jurisdiction over specified matters, including the support of a child. Generally, a court can require a parent to support a child only until the child reaches the age of majority. See *Quarles v. Quarles*, 62 Md. 394, 403 (1985). Article 1, § 24 of the Annotated Code of Maryland establishes that the age of majority is age 18. A person who is age 18 and is enrolled in secondary school is considered a minor, however, and has the right to receive support and maintenance from both of the person's parents until the first of the following events occurs:

- the person dies;
- the person marries;
- the person is emancipated;
- the person graduates from or is no longer enrolled in secondary school; or
- the person attains the age of 19.

If parents contractually obligate themselves to support a child for a longer period of time, and the parties consent to have the agreement incorporated or merged into a judgment, the court can enforce such an obligation. See *Corry v. O'Neill*, 105 Md. App. 112 (1995).

Background: According to a survey of states completed by the National Conference of State Legislatures in 2014 (the latest information readily available), state laws vary widely as to the duty of parents to provide support for postsecondary education expenses. For example, at least nine states (Connecticut, Illinois, Iowa, Massachusetts, New Jersey, New York, Oregon, South Carolina, and Washington) specifically authorize a court to require parents to provide support for postsecondary education expenses. If a child is enrolled at an institution of higher education, Missouri requires parental support to continue until the child completes his or her education or reaches age 21, whichever occurs first. Other states, including Maryland, authorize courts to enforce parental agreements to pay for college expenses beyond the age of majority.

State Revenues: Temporary Cash Assistance (TCA) recipients must assign their support rights to the State and federal governments as partial reimbursement for payments made on behalf of the children of the obligor. As a result, TCA child support collections are distributed 50% to the State and 50% to the federal government. Special fund revenues may increase to the extent that child support is ordered and collected for longer periods of time due to a child's attendance at an institution of postsecondary education. Any such impact cannot be quantified due to the unavailability of data, but is not anticipated to be significant.

State Expenditures: DHR advises that the bill's implementation requires programming costs. Although a specific estimate was not provided, based on an estimate prepared for a similar bill in 2016, these programming costs are estimated at \$651,066 (\$221,362 general funds/\$429,704 federal funds) in fiscal 2018 only. In addition, DHR advises that the bill may necessitate additional staff, as the child support caseload likely increases once support may be ordered for individuals older than age 18. However, a specific impact on staffing is not available, as it depends on how frequently judges award child support for postsecondary education expenses and the number of cases which would have otherwise been closed had a child no longer been eligible for support under current law. *For illustrative purposes only*, for every additional caseworker needed, expenditures increase by at least \$73,498 annually (\$24,989 general funds/\$48,509 federal funds).

Although the extension of the court's jurisdiction may result in additional hearings, any such impact is not anticipated to materially impact the workload of the Judiciary.

Additional Information

Prior Introductions: HB 677 of 2016, a similar bill, received an unfavorable report from the House Judiciary Committee. Its cross file, SB 1100, received an unfavorable report from the Senate Judicial Proceedings Committee. HB 986 of 2012, a similar bill, received an unfavorable report from the House Judiciary Committee. Similar bills were also considered in the 2011, 2009, 2005, 2004, and 2000 sessions.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Resources; National Conference of State Legislatures; Department of Legislative Services

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mm/kdm

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