D4 0lr3084

By: Delegates McComas, Arikan, Buckel, Chisholm, Ciliberti, Cox, Hornberger, Krebs, Malone, Shoemaker, and Szeliga

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

| 1 | AN ACT concerning |
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| 2 | Child Support - Modification - Credit Toward Arrearage |
| 3 | FOR the purpose of requiring that, if the court modifies a child support award on the basis |
| 4 | of the occurrence of a certain event, any overpayment made by a certain child support |
| 5 | obligor be credited to the arrears owed by the obligor; providing for the application |
| 6 | of this Act; and generally relating to child support. |
| 7 | BY repealing and reenacting, with amendments, |
| 8 | Article – Family Law |
| 9 | Section 12–104 |
| 10 | Annotated Code of Maryland |
| 11 | (2019 Replacement Volume) |
| 12 | BY repealing and reenacting, without amendments, |
| 13 | Article – General Provisions |
| 14 | Section 1–401 |
| 15 | Annotated Code of Maryland |
| 16 | (2019 Replacement Volume) |
| 17 | SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, |
| 18 | That the Laws of Maryland read as follows: |
| 19 | Article – Family Law |
| 20 | 12–104. |
| 21 | (a) The court may modify a child support award subsequent to the filing of a |
| 22 | motion for modification and upon a showing of a material change of circumstance. |

The court may not retroactively modify a child support award prior to the date

23

(b)



1 of the filing of the motion for modification.

- 2 (C) (1) THIS SUBSECTION APPLIES ONLY TO AN OBLIGOR, AS DEFINED IN 3 § 12–201 OF THIS TITLE, WHO IS IN ARREARS UNDER A CHILD SUPPORT ORDER AT THE TIME OF THE FILING OF A MOTION FOR MODIFICATION.
- 5 (2) If the court modifies a child support award on the basis 6 Of the occurrence of an event specified in § 1–401(b) of the General 7 Provisions Article, any overpayment made by the obligor shall be 8 Credited to the arrears owed by the obligor.

9 Article - General Provisions

- 10 1–401.
- 11 (a) (1) The age of majority is 18 years.
- 12 (2) Except as provided in subsection (b) of this section or as otherwise 13 specifically provided by statute, an individual at least 18 years old is an adult for all 14 purposes and has the same legal capacity, rights, powers, privileges, duties, liabilities, and 15 responsibilities that an individual at least 21 years old had before July 1, 1973.
- 16 (b) An individual who has attained the age of 18 years and who is enrolled in 17 secondary school has the right to receive support and maintenance from both of the 18 individual's parents until the first to occur of the following events:
- 19 (1) the individual dies;
- 20 (2) the individual marries:
- 21 (3) the individual is emancipated;
- 22 (4) the individual graduates from or is no longer enrolled in secondary 23 school; or
- 24 (5) the individual attains the age of 19 years.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to motions for modification of child support filed on or after the effective date of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.