

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1266
Judiciary

(Delegate McComas, *et al.*)

Child Support - Modification - Credit Toward Arrearage

This bill establishes that if a child support order is modified on the basis of specified events occurring, any overpayment made by the obligor must be credited to the arrears owed by the obligor. The bill's provisions only apply to an obligor who is in arrears under a child support order at the time of the filing of a motion for modification. The bill applies only to motions for modification of child support filed on or after the October 1, 2020 effective date.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: A court may modify a child support award subsequent to the filing of a motion for modification and upon a showing of a material change in circumstances. The court may not retroactively modify a child support award prior to the date of the filing of the motion for modification.

Generally, a court can require a parent to support a child only until the child reaches the age of majority. 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.

The bill establishes that if the court modifies a child support order on the basis of the occurrence of one of the events specified above, any overpayment made by the obligor must be credited to the arrears owed by the obligor.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2020
af/lgc

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