

HOUSE BILL 79

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1998 Regular Session
8r0603

(PRE-FILED)

By: **Delegates Workman and Taylor**

Requested: October 28, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support - Secondary and Postsecondary Education**

3 FOR the purpose of establishing that a child support order shall terminate when the
4 first of certain events occurs, except under certain circumstances; establishing
5 that a child support order shall continue in effect if a child is enrolled in
6 secondary or postsecondary school under certain circumstances; clarifying that
7 this Act does not prohibit a court from modifying a child support order under
8 appropriate circumstances; authorizing a court to include expenses for attending
9 an institution of postsecondary education in the calculation of the amount of
10 child support under the child support guidelines; providing for the application of
11 this Act; and generally relating to child support.

12 BY adding to
13 Article - Family Law
14 Section 12-101.1
15 Annotated Code of Maryland
16 (1991 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Family Law
19 Section 12-204(i)
20 Annotated Code of Maryland
21 (1991 Replacement Volume and 1997 Supplement)

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

24 **Article - Family Law**

25 12-101.1.

26 (A) A CHILD SUPPORT ORDER SHALL TERMINATE WHEN THE FIRST OF THE
27 FOLLOWING EVENTS OCCURS:

- 1 (1) THE CHILD RECEIVING THE SUPPORT DIES;
2 (2) THE PARENT PAYING THE SUPPORT UNDER THE ORDER DIES;
3 (3) THE CHILD RECEIVING THE SUPPORT MARRIES;
4 (4) THE CHILD RECEIVING THE SUPPORT BECOMES SELF-SUPPORTING;
5 OR

6 (5) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
7 CHILD RECEIVING THE SUPPORT ATTAINS THE AGE OF 18 YEARS.

8 (B) (1) A CHILD SUPPORT ORDER FOR A CHILD WHO IS ENROLLED IN
9 SECONDARY SCHOOL SHALL CONTINUE IN EFFECT UNTIL THE FIRST OF THE
10 FOLLOWING EVENTS OCCURS:

11 (I) THE CHILD GRADUATES FROM OR IS NO LONGER ENROLLED IN
12 THE SECONDARY SCHOOL; OR

13 (II) THE CHILD ATTAINS THE AGE OF 19 YEARS.

14 (2) A CHILD SUPPORT ORDER FOR A CHILD WHO IS ENROLLED IN AT
15 LEAST FOUR UNITS OF CREDIT IN AN INSTITUTION OF POSTSECONDARY EDUCATION,
16 AS DEFINED IN § 10-101 OF THE EDUCATION ARTICLE, OR AN EQUIVALENT
17 INSTITUTION IN ANOTHER STATE OR OUTSIDE OF THE UNITED STATES, SHALL
18 CONTINUE IN EFFECT UNTIL THE FIRST OF THE FOLLOWING EVENTS OCCURS:

19 (I) THE CHILD GRADUATES FROM OR IS NO LONGER ENROLLED IN
20 THE INSTITUTION; OR

21 (II) THE CHILD ATTAINS THE AGE OF 22 YEARS.

22 (C) THIS SECTION DOES NOT PROHIBIT A COURT FROM MODIFYING A CHILD
23 SUPPORT ORDER UNDER § 12-104 OF THIS SUBTITLE.

24 12-204.

25 (i) By agreement of the parties or by order of court, the following expenses
26 incurred on behalf of a child may be divided between the parents in proportion to
27 their adjusted actual incomes:

28 (1) any expenses for attending a special or private elementary or
29 secondary school to meet the particular educational needs of the child; [or]

30 (2) FOR A CHILD DESCRIBED IN § 12-101.1(B)(2) OF THIS TITLE, ANY
31 EXPENSES FOR ATTENDING AN INSTITUTION OF POSTSECONDARY EDUCATION; OR

32 [(2)] (3) any expenses for transportation of the child between the homes
33 of the parents.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
2 to cases to establish or modify child support filed on or after the effective date of this
3 Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be
5 considered to be a material change of circumstances for purposes of modifying a child
6 support order issued before the effective date of this Act.

7 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1998.