

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 963
Judiciary

(Delegate Carlson, *et al.*)

Family Law - Child Support - Secondary Education

This bill provides for the continuation of child support for secondary school students who have reached the age of majority under certain circumstances.

Fiscal Summary

State Effect: The Department of Human Resources could verify the enrollment status of individuals receiving child support with existing budgeted resources. The Judiciary could handle any requests for continuation of child support within budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: This bill generally provides that unless the parties agree otherwise, a child support order terminates when the child dies, marries, is emancipated, or attains the age of majority, whichever occurs first. The bill, however, does extend mandatory child support under certain conditions.

For support orders filed before October 1, 2002, if the custodial parent files a court request for continuation of child support before the child attains the age of majority, the court is authorized to order continued support payments for a child of majority age, who is enrolled as a full-time student in secondary school and resides with the custodial parent. The court-ordered child support must continue until the child dies, marries, is

emancipated, graduates from or is no longer enrolled in secondary school, or becomes 19, whichever occurs first.

For child support orders issued on or after October 1, 2002, child support must continue for a child who is of majority age, is enrolled as a full-time student in secondary school, and resides with the custodial parent. Child support continues until the child dies, marries, is emancipated, graduates from or is no longer enrolled in secondary school, or becomes 19, whichever occurs first.

Current Law: The age of majority in Maryland is 18. Child support payments are continued until the child marries, dies, is emancipated, or reaches the age of majority, whichever occurs first. Currently, a court lacks the authority to order child support payments for a person who is 18 years of age or older, unless the parents agree to continue support.

Background: According to the Office of Child Support Enforcement of the U.S. Department of Health and Human Services, 44 states require child support until the child reaches the age of 18. Thirty-three of those states allow continuation of child support past the age of 18, if the child is a high school student. States vary the termination date of child support for high school students and may establish it at 19, 20, or 21. Enrollment in a high school equivalency, vocational, or technical course of education meets the educational requirement in some states. Eleven states, including Maryland, require automatic termination of child support once the child reaches 18. Three states -- Alabama, Colorado, and Nebraska, -- establish the termination of child support at 19, while the District of Columbia, Indiana, Mississippi, and New York establish the termination of child support at 21.

Additional Information

Prior Introductions: A similar bill, SB 158, was introduced in 2001. The bill passed the Senate, and passed the House with amendments, but was not reported out of conference committee. HB 65, also of the 2001 session, passed the House and Senate with amendments but was not reported out of conference committee. Similar bills were introduced as SB 153 in the 2000 session, SB 242 in the 1999 session, and SB 265 in the 1998 session. All these prior introductions received unfavorable reports from the Senate Judicial Proceedings Committee.

Cross File: SB 654 (Senator Ruben, *et al.*) – Judicial Proceedings.

Information Source(s): Department of Human Resources, U.S. Department of Health and Human Services (Office of Child Support Enforcement), Department of Legislative Services

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Analysis by: Karen D. Morgan

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510