

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 993

(Delegate Carlson, *et al.*)

Judiciary

Judicial Proceedings

Family Law - Child Support - Age of Majority

This bill alters the definition of “minor” to provide that a person who is 18 and enrolled in secondary school is considered a minor and has the right to receive support and maintenance from both parents until the person dies, marries, is emancipated, graduates from or is no longer enrolled in secondary school, or becomes 19, whichever occurs first. The bill’s provisions are considered to be a material change of circumstances for purposes of modifying child support orders issued before the October 1, 2002 effective date.

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 modifications of child support orders within budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The age of majority is 18 years. A person who is 18 is considered an adult for all purposes and has the same rights, capacities, and powers as persons 21 years or older had before July 1, 1973. The term “minor” refers to persons who are younger than 18 years of age. The parents of a minor child are both responsible for their child’s support, welfare, and education, and each parent has the same powers and duties as the

other parent in relation to the child. 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. House Bill 65, also from the 2001 session passed the House and the 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 657 (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

Fiscal Note History: First Reader - February 27, 2002
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