

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 822
Judiciary

(Delegate King, *et al.*)

Family Law - Child Support - Termination

This bill provides that a person who has attained the age of 18 and is enrolled in secondary school has the right to receive support and maintenance from both parents until the person becomes 21, if that event occurs before other emancipating circumstances. 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, 2003 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 existing 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. 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. Currently, a court lacks the authority to order child support payments for a person who is 19 years of age or older, unless the parents agree to continue support.

Background: According to the National Conference of State Legislatures, 34 states, including Maryland, allow continuation of child support until the age of 19 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. The District of Columbia, Indiana, Massachusetts, Mississippi, Missouri, New York, and Oregon establish the termination of child support at 21. In Hawaii, support terminates at 18, but may be extended until the age of 23 if the child is enrolled in an accredited higher educational institution.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 5, 2003
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