

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 980  
Judiciary

(Delegate Kach)

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Child Support - Postsecondary Education Funding

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This bill provides that before granting a decree of divorce, a court must require the parties to discuss the postsecondary educational expenses of each child of the parties.

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Fiscal Summary

**State Effect:** The bill's requirements can be met with existing resources.

**Local Effect:** The bill's requirements can be met with existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** An "institution of postsecondary education" means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school. Postsecondary institutions do not include adult education, high school equivalency, apprenticeship, or on-the-job training courses.

The parents of a minor child are both responsible for their child's support, welfare, and education. 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. Courts lack 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, states vary the termination date of child support. Thirty-four states, including Maryland, allow continuation of child support until the age of 19 if the child is a high school student. Others states extend child support to ages 20 or 21. The District of Columbia, Indiana, Massachusetts, Mississippi, Missouri, New York, and Oregon establish the termination of child support at 21 and require the payment of college expenses until the child reaches that age. In Hawaii, support terminates at 18, but may be extended until the age of 23 if the child is enrolled in an accredited postsecondary educational institution. For the states that terminate child support at age 18 or 19, a majority, including Maryland, authorize courts to enforce parental agreements to pay for college expenses beyond age 18.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2004  
ncs/jr

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