

(PRE-FILED)

By: **Delegate Franchot**
Requested: November 5, 2004
Introduced and read first time: January 12, 2005
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support - Age of Majority - Postsecondary Education**

3 FOR the purpose of altering certain provisions of law defining the age of majority to
4 provide that a person who has attained the age of 18 years and who is enrolled
5 full time in an institution of postsecondary education has a right to support and
6 maintenance from both of the person's parents until the first of certain events
7 occurs; defining a certain term; establishing that this Act shall be considered a
8 material change in circumstances for purposes of modifying a child support
9 order issued before the effective date of this Act; and generally relating to child
10 support.

11 BY repealing and reenacting, with amendments,
12 Article 1 - Rules of Interpretation
13 Section 24
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2004 Supplement)

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

18 **Article 1 - Rules of Interpretation**

19 24.

20 (a) (1) Except as provided in paragraph (2) of this subsection or as otherwise
21 specifically provided by statute, a person eighteen years of age or more is an adult for
22 all purposes whatsoever and has the same legal capacity, rights, powers, privileges,
23 duties, liabilities, and responsibilities as prior to July 1, 1973, persons had at
24 twenty-one years of age, and the "age of majority" is hereby declared to be eighteen
25 years.

26 (2) (1) IN THIS PARAGRAPH, "INSTITUTION OF POSTSECONDARY
27 EDUCATION" MEANS A SCHOOL OR OTHER INSTITUTION THAT OFFERS AN

1 EDUCATIONAL PROGRAM FOR INDIVIDUALS WHO ARE AT LEAST 16 YEARS OLD AND
2 WHO HAVE GRADUATED FROM OR LEFT ELEMENTARY OR SECONDARY SCHOOL.

3 (II) A person who has attained the age of 18 years and who is
4 enrolled in secondary school OR ENROLLED FULL TIME IN AN INSTITUTION OF
5 POSTSECONDARY EDUCATION has the right to receive support and maintenance from
6 both of the person's parents until the first to occur of the following events:

7 [(i)] 1. The person dies;

8 [(ii)] 2. The person marries;

9 [(iii)] 3. The person is emancipated;

10 [(iv)] 4. The person graduates from or is no longer enrolled in
11 secondary school OR ENROLLED FULL TIME IN AN INSTITUTION OF POSTSECONDARY
12 EDUCATION; or

13 [(v)] 5. The person attains the age of [19] 23 years.

14 (b) (1) The terms "adult", "of full age", or "of legal age" refer to persons who
15 have attained the age of eighteen years.

16 (2) Except as provided in subsection (a)(2) of this section, the term
17 "minor", as it pertains to legal age and capacity, refers to persons who have not
18 attained the age of eighteen years.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
20 considered to be a material change of circumstances for purposes of modifying a child
21 support order issued before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2005.