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By: **Delegates Kelley, Holmes, Parker, V. Turner, and Vallario**

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Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law - Child Support - ~~Termination of Support Obligation~~**  
 3 **Modification Hearing**

4 FOR the purpose of ~~establishing that a child support obligation required under a child~~  
 5 ~~support order automatically terminates without the necessity of a modification~~  
 6 ~~of the order under certain circumstances; requiring that a child support~~  
 7 ~~obligation for the support of multiple children be automatically reduced to a~~  
 8 ~~certain amount except under certain circumstances; requiring a court to specify~~  
 9 ~~in a child support order for the support of multiple children the amount of~~  
 10 ~~support required under the child support guidelines per child requiring a certain~~  
 11 ~~child support order or modification of a child support order to state the dates on~~  
 12 ~~which each child subject to the order will attain a certain age; requiring the~~  
 13 ~~court, on its own motion, to schedule a modification hearing within a certain~~  
 14 ~~time period under certain circumstances; requiring the court to give certain~~  
 15 ~~notice to the parties in a certain manner; providing for the contents of the notice;~~  
 16 ~~requiring the court to hold a modification hearing, except under certain~~  
 17 ~~circumstances; establishing that the date on which the court makes a certain~~  
 18 ~~motion shall be considered to be the date of the filing of a motion for~~  
 19 ~~modification for certain purposes; providing for the application of this Act; and~~  
 20 ~~generally relating to child support.~~

21 BY repealing and reenacting, without amendments,  
 22 Article - Family Law  
 23 Section 12-104  
 24 Annotated Code of Maryland  
 25 (2004 Replacement Volume and 2005 Supplement)

26 BY adding to

1 Article - Family Law  
 2 Section 12-104.1 ~~and 12-204.1~~  
 3 Annotated Code of Maryland  
 4 (2004 Replacement Volume and 2005 Supplement)

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

7 **Article - Family Law**

8 12-104.

9 (a) The court may modify a child support award subsequent to the filing of a  
 10 motion for modification and upon a showing of a material change of circumstance.

11 (b) The court may not retroactively modify a child support award prior to the  
 12 date of the filing of the motion for modification.

13 12-104.1.

14 (A) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~  
 15 ~~CHILD SUPPORT OBLIGATION REQUIRED UNDER A CHILD SUPPORT ORDER~~  
 16 ~~AUTOMATICALLY TERMINATES FOR ANY CHILD SUBJECT TO THE ORDER WITHOUT~~  
 17 ~~THE NECESSITY OF A MODIFICATION OF THE ORDER UNDER § 12-104 OF THIS~~  
 18 ~~SUBTITLE WHEN THE FIRST OF THE FOLLOWING EVENTS OCCURS:~~

19 (I) ~~THE CHILD DIES;~~

20 (II) ~~THE CHILD MARRIES; OR~~

21 (III) ~~THE CHILD ATTAINS THE AGE OF 18 YEARS.~~

22 ~~(2) A CHILD SUPPORT OBLIGATION REQUIRED UNDER A CHILD SUPPORT~~  
 23 ~~ORDER AUTOMATICALLY TERMINATES FOR ANY CHILD SUBJECT TO THE ORDER WHO~~  
 24 ~~HAS ATTAINED THE AGE OF 18 YEARS AND WHO IS ENROLLED IN SECONDARY~~  
 25 ~~SCHOOL WITHOUT THE NECESSITY OF A MODIFICATION OF THE ORDER UNDER §~~  
 26 ~~12-104 OF THIS SUBTITLE WHEN THE FIRST OF THE FOLLOWING EVENTS OCCURS:~~

27 (I) ~~THE CHILD DIES;~~

28 (II) ~~THE CHILD MARRIES; OR~~

29 (III) ~~THE CHILD ATTAINS THE AGE OF 19 YEARS.~~

30 ~~(B) UNLESS OTHERWISE SPECIFIED IN THE CHILD SUPPORT ORDER, A CHILD~~  
 31 ~~SUPPORT OBLIGATION FOR THE SUPPORT OF MULTIPLE CHILDREN SHALL BE~~  
 32 ~~AUTOMATICALLY REDUCED TO THE AMOUNT SPECIFIED BY THE COURT UNDER §~~  
 33 ~~12-204.1 OF THIS TITLE FOR THE SUPPORT OF THE REMAINING NUMBER OF~~  
 34 ~~CHILDREN.~~

1 ~~12-204.1.~~

2 ~~FOR EACH CHILD SUPPORT ORDER FOR THE SUPPORT OF MULTIPLE CHILDREN,~~  
3 ~~THE COURT SHALL SPECIFY IN THE ORDER THE AMOUNT OF SUPPORT REQUIRED~~  
4 ~~PER CHILD UNDER THE CHILD SUPPORT GUIDELINES THIS SECTION APPLIES ONLY~~  
5 ~~TO A CHILD SUPPORT ORDER FOR THE SUPPORT OF MULTIPLE CHILDREN.~~

6 (B) ANY CHILD SUPPORT ORDER OR MODIFICATION OF A CHILD SUPPORT  
7 ORDER SHALL STATE THE DATES ON WHICH EACH CHILD SUBJECT TO THE ORDER  
8 WILL ATTAIN THE AGE OF 18 YEARS.

9 (C) (1) EXCEPT AS PROVIDED IN SUBSECTION (D)(1) OF THIS SECTION, THE  
10 COURT, ON ITS OWN MOTION, SHALL SCHEDULE A MODIFICATION HEARING WITHIN  
11 30 DAYS AFTER THE DATE ON WHICH ANY CHILD SUBJECT TO THE ORDER ATTAINS  
12 THE AGE OF 18 YEARS.

13 (2) (I) THE COURT SHALL GIVE NOTICE TO THE PARTIES OF THE DATE  
14 AND TIME OF THE MODIFICATION HEARING IN ACCORDANCE WITH THE MARYLAND  
15 RULES.

16 (II) THE NOTICE SHALL CONTAIN A PROVISION AUTHORIZING  
17 EACH PARTY TO FILE A WRITTEN WAIVER OF THE RIGHT TO A MODIFICATION  
18 HEARING UNDER THIS SECTION.

19 (D) THE COURT SHALL HOLD A MODIFICATION HEARING UNLESS:

20 (1) BY WRITTEN AGREEMENT, BOTH PARTIES HAVE WAIVED THE RIGHT  
21 TO A MODIFICATION HEARING UNDER THIS SECTION; OR

22 (2) BOTH PARTIES HAVE FILED A WAIVER UNDER SUBSECTION (C)(2)(II)  
23 OF THIS SECTION.

24 (E) THE DATE ON WHICH THE COURT MAKES A MOTION UNDER SUBSECTION  
25 (C)(1) OF THIS SECTION SHALL BE CONSIDERED TO BE THE DATE OF THE FILING OF A  
26 MOTION FOR MODIFICATION FOR PURPOSES OF § 12-104 OF THIS SUBTITLE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
28 construed to apply only ~~prospectively and may not be applied or interpreted to have~~  
29 ~~any effect on or application to any child support order issued before the effective date~~  
30 ~~of this Act to child support orders or modifications of child support orders issued on or~~  
31 ~~after the effective date of this Act.~~

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2006.

