

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1000

(Delegates Dumais and Kach)

Judiciary

Family Law - Divorce - Discussion of Postsecondary Education Expenses

This bill requires that in a divorce action where child support issues are raised, a court must require the parties to discuss the postsecondary education expenses of each child of the parties before granting a divorce decree.

Fiscal Summary

State Effect: While the bill's provisions could increase trial time for some divorce cases, it is expected that this could be handled with existing resources.

Local Effect: While the bill's provisions could increase trial time for some divorce cases, it is expected that this could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: 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 a survey of state legislation through 2003 completed by the National Conference of State Legislatures, states vary the termination date of child support. Thirty-six states, including Maryland, allow continuation of child support up to the age of 19 if the child is a high school student.

Other states extend mandatory child support up to age 23 if the child is enrolled in a postsecondary institution. The District of Columbia, Indiana, Mississippi, 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 age 23 if the child is enrolled in an accredited postsecondary educational institution. Missouri terminates support at 18 but mandates financial support for a child enrolled in vocational school or college until the child reaches 22. Connecticut requires support of a child enrolled in college until the child reaches 23, while Massachusetts requires support of a child enrolled in an education program until the child reaches 23.

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.

Additional Information

Prior Introductions: This bill is similar to HB 980 of 2004, which received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), National Conference of State Legislatures, Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2006
nas/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510