

HOUSE BILL 1114

D4

9lr1503

By: **Delegate Stifler (By Request) and Delegates Aumann, Dumais, McHale, Montgomery, and Norman**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Support – Postsecondary Education**

3 FOR the purpose of authorizing a court to require a child support obligor to continue
4 child support payments if the child is enrolled full time in postsecondary school;
5 and generally relating to child support.

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 12–101
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2008 Supplement)

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

13 **Article – Family Law**

14 12–101.

15 (a) (1) Unless the court finds from the evidence that the amount of the
16 award will produce an inequitable result, for an initial pleading that requests child
17 support pendente lite, the court shall award child support for a period from the filing
18 of the pleading that requests child support.

19 (2) Notwithstanding paragraph (1) of this subsection, unless the court
20 finds from the evidence that the amount of the award will produce an inequitable
21 result, for an initial pleading filed by a child support agency that requests child
22 support, the court shall award child support for a period from the filing of the pleading
23 that requests child support.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) For any other pleading that requests child support, the court may award child support for a period from the filing of the pleading that requests child support.

(b) The court shall give credit for payments that the court finds have been made during the period beginning from the filing of the pleading that requests child support.

(c) Any support order or modification of a support order that is passed on or after July 1, 1997 shall include a statement that:

(1) each party is required to notify the court and any support enforcement agency ordered to receive payments, within 10 days of any change of address or employment; and

(2) failure to comply with paragraph (1) of this subsection may result in a party not receiving notice of the initiation of a proceeding to modify or enforce a support order.

(d) (1) The court may order either parent to pay all or part of:

(i) the mother's medical and hospital expenses for pregnancy, confinement, and recovery; and

(ii) medical support for the child, including neonatal expenses.

(2) Subject to the right of any party to subpoena a custodian of records at least 10 days before trial, any records relating to the cost of the mother's medical and hospital expenses for pregnancy, childbirth, and recovery and any neonatal expenses of the child shall be admissible in evidence without the presence of a custodian of record and shall constitute prima facie evidence of the amount of expenses incurred.

(E) NOTWITHSTANDING THE PROVISIONS OF ARTICLE 1, § 24 OF THE CODE, IF A CHILD LIVING IN THE HOME OF THE CUSTODIAL PARENT IS ENROLLED FULL TIME IN A POSTSECONDARY SCHOOL, THE COURT MAY REQUIRE THE OBLIGOR TO CONTINUE CHILD SUPPORT PAYMENTS UNTIL THE FIRST OF THE FOLLOWING EVENTS OCCURS:

(1) THE CHILD DIES;

(2) THE CHILD MARRIES;

(3) THE CHILD IS EMANCIPATED;

(4) THE CHILD GRADUATES FROM POSTSECONDARY SCHOOL; OR

1 **(5) THE CHILD ATTAINS THE AGE OF 22 YEARS.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2009.