

Department of Legislative Services
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 677
Judiciary

(Delegate Hill, *et al.*)

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

This bill establishes that a person who has attained the age of 18 and is enrolled in an “institution of postsecondary education” for at least 12 credit hours has the right to receive support and maintenance from both parents until the first of specified circumstances occurs, including the individual becoming age 22 or no longer being enrolled in an institution of postsecondary education for at least 12 credit hours. An “institution of postsecondary education” means a school or other institution that offers an educational or vocational training program in the State for individuals who are at least age 16 and who have graduated from or left elementary or secondary school. The bill’s provisions are considered to be a material change of circumstances for purposes of modifying child support orders issued before the bill’s effective date.

Fiscal Summary

State Effect: General and federal fund expenditures for the Department of Human Resources (DHR) increase by a total of \$651,100 in FY 2017 only for programming changes. Otherwise, the bill’s changes can be implemented and enforced with existing budgeted resources and do not materially impact the workload of the Judiciary. Minimal increase in special fund revenues to the extent that the bill increases child support collections for specified individuals.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
SF Revenue	-	-	-	-	-
GF Expenditure	\$221,400	\$0	\$0	\$0	\$0
FF Expenditure	\$429,700	\$0	\$0	\$0	\$0
Net Effect	(\$651,100)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: Generally, a court can require a parent to support a child only until the child reaches the age of majority. See *Quarles v. Quarles*, 62 Md. 394, 403 (1985). Article 1, § 24 of the Annotated Code of Maryland establishes that the age of majority is age 18. A person who is age 18 and is enrolled in secondary school is considered a minor, however, and has the right to receive support and maintenance from both of the person's parents until the first of the following events occurs:

- the person dies;
- the person marries;
- the person is emancipated;
- the person graduates from or is no longer enrolled in secondary school; or
- the person attains the age of 19.

If parents contractually obligate themselves to support a child for a longer period of time, and the parties consent to have the agreement incorporated or merged into a judgment, the court can enforce such an obligation. See *Corry v. O'Neill*, 105 Md. App. 112 (1995).

Background: According to a survey of states completed by the National Conference of State Legislatures in 2014 (the latest information readily available), state laws vary widely as to the duty of parents to provide support for postsecondary education expenses. For example, at least nine states (Connecticut, Illinois, Iowa, Massachusetts, New Jersey, New York, Oregon, South Carolina, and Washington) specifically authorize a court to require parents to provide support for postsecondary education expenses. If a child is enrolled at an institution of higher education, Missouri requires parental support to continue until the child completes his or her education or reaches age 21, whichever occurs first. Other states, including Maryland, authorize courts to enforce parental agreements to pay for college expenses beyond the age of majority.

State Revenues: Temporary Cash Assistance (TCA) recipients must assign their support rights to the State and federal governments as partial reimbursement for payments made on behalf of the children of the obligor. As a result, TCA child support collections are distributed 50% to the State and 50% to the federal government. Special fund revenues may increase to the extent that child support is ordered and collected for longer periods of time due to a child's attendance at an institution of postsecondary education. Any such impact cannot be quantified due to the unavailability of data.

State Expenditures: DHR advises that the bill's implementation requires programming costs of \$651,066 (\$221,362 general funds/\$429,704 federal funds) in fiscal 2017 only. Otherwise, the bill's provisions can be implemented and enforced using existing budgeted resources.

Additional Information

Prior Introductions: HB 986 of 2012, a similar bill, received an unfavorable report from the House Judiciary Committee. SB 966 of 2011 was referred to the Senate Judicial Proceedings Committee, but received no further action. Its cross file, HB 1272, was referred to the House Rules Committee, but received no further action. HB 1114 of 2009, a similar bill, received an unfavorable report from the House Judiciary Committee. Similar bills were also considered in the 2005, 2004, and 2000 sessions.

Cross File: SB 1100 (Senator Gladden) – Judicial Proceedings.

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

Fiscal Note History: First Reader - March 2, 2016
mel/kdm

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