

SENATE BILL 965

D4

8lr1946
CF HB 1152

By: **Senator Lee**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Age of Majority – Jurisdiction of Court**

3 FOR the purpose of providing that an equity court shall retain jurisdiction for the purpose
4 of awarding child support, in accordance with the child support guidelines, for a child
5 who has attained the age of 18 years and who is enrolled in secondary school;
6 providing that an equity court shall retain jurisdiction for the purpose of awarding
7 support for a young adult who has attained the age of 18 years and who is not
8 enrolled in secondary school; requiring the court to consider certain factors in
9 determining a certain award of support; authorizing certain individuals to petition a
10 court for a certain award of support or a modification to a certain award of support
11 under certain circumstances; providing for the calculation of a certain award of
12 support; providing that certain support terminates on the occurrence of certain
13 events; repealing certain provisions of law relating to the right of a certain individual
14 who has attained the age of 18 years to receive support and maintenance; defining
15 certain terms; providing for the interpretation of this Act; and generally relating to
16 the jurisdiction of an equity court.

17 BY repealing and reenacting, with amendments,
18 Article – Family Law
19 Section 1–201
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – General Provisions
24 Section 1–401
25 Annotated Code of Maryland
26 (2014 Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Family Law

1

2 1–201.

3 (a) For the purposes of subsection (b)(10) of this section, “child” means an
4 unmarried individual under the age of 21 years.

5 (b) An equity court has jurisdiction over:

6 (1) adoption of a child, except for a child who is under the jurisdiction of
7 any juvenile court and who previously has been adjudicated to be a child in need of
8 assistance;

9 (2) alimony;

10 (3) annulment of a marriage;

11 (4) divorce;

12 (5) custody or guardianship of a child except for a child who is under the
13 jurisdiction of any juvenile court and who previously has been adjudicated to be a child in
14 need of assistance;

15 (6) visitation of a child;

16 (7) legitimation of a child;

17 (8) paternity;

18 (9) support of a child; and

19 (10) custody or guardianship of an immigrant child pursuant to a motion for
20 Special Immigrant Juvenile factual findings requesting a determination that the child was
21 abused, neglected, or abandoned before the age of 18 years for purposes of § 101(a)(27)(J)
22 of the federal Immigration and Nationality Act.

23 (c) In exercising its jurisdiction over the custody, guardianship, visitation, or
24 support of a child, an equity court may:

25 (1) direct who shall have the custody or guardianship of a child, pendente
26 lite or permanently;

27 (2) determine who shall have visitation rights to a child;

28 (3) decide who shall be charged with the support of the child, pendente lite
29 or permanently;

1 (4) from time to time, set aside or modify its decree or order concerning the
2 child; or

3 (5) issue an injunction to protect a party to the action from physical harm
4 or harassment.

5 **(D) (1) AN EQUITY COURT SHALL RETAIN JURISDICTION FOR THE**
6 **PURPOSE OF ORDERING SUPPORT, IN ACCORDANCE WITH THE CHILD SUPPORT**
7 **GUIDELINES UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE, FOR A CHILD WHO HAS**
8 **ATTAINED THE AGE OF 18 YEARS AND WHO IS ENROLLED IN SECONDARY SCHOOL.**

9 **(2) SUPPORT AWARDED UNDER THIS SUBSECTION SHALL TERMINATE**
10 **ON THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:**

11 **(I) THE CHILD DIES;**

12 **(II) THE CHILD MARRIES;**

13 **(III) THE CHILD IS EMANCIPATED;**

14 **(IV) THE CHILD GRADUATES FROM OR IS NO LONGER ENROLLED**
15 **IN SECONDARY SCHOOL; OR**

16 **(V) THE CHILD ATTAINS THE AGE OF 19 YEARS.**

17 **(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
18 **MEANINGS INDICATED.**

19 **(II) "INSTITUTION OF POSTSECONDARY EDUCATION" MEANS A**
20 **SCHOOL OR OTHER INSTITUTION THAT OFFERS AN EDUCATIONAL OR VOCATIONAL**
21 **TRAINING PROGRAM FOR INDIVIDUALS WHO ARE AT LEAST 16 YEARS OLD AND WHO**
22 **HAVE GRADUATED FROM OR LEFT ELEMENTARY OR SECONDARY SCHOOL.**

23 **(III) "YOUNG ADULT" MEANS AN INDIVIDUAL OVER WHOM THE**
24 **COURT PREVIOUSLY HAS EXERCISED JURISDICTION IN A DIVORCE OR CUSTODY**
25 **PROCEEDING UNDER THIS ARTICLE AS A MINOR WHO HAS ATTAINED THE AGE OF 18**
26 **YEARS.**

27 **(2) AN EQUITY COURT SHALL RETAIN JURISDICTION FOR PURPOSES**
28 **OF ORDERING SUPPORT FROM EITHER PARENT FOR A YOUNG ADULT WHO IS NOT**
29 **ENROLLED IN SECONDARY SCHOOL.**

30 **(3) IN DETERMINING AN AWARD OF SUPPORT UNDER THIS SECTION,**

1 THE COURT SHALL CONSIDER:

2 (I) THE ABILITY OF THE PARENTS TO PAY;

3 (II) THE CURRENT CONTRIBUTION OF EACH PARENT OF THE
4 YOUNG ADULT;

5 (III) WHETHER THE PARENTS HAVE MINOR CHILDREN FOR
6 WHOM THEY ARE RESPONSIBLE;

7 (IV) WHETHER THE YOUNG ADULT HAS A DEVELOPMENTAL,
8 EMOTIONAL, OR INTELLECTUAL DISABILITY THAT MAY HINDER THE ABILITY OF THE
9 YOUNG ADULT TO SUCCEED INDEPENDENTLY;

10 (V) THE EMPLOYMENT STATUS AND INCOME OF THE YOUNG
11 ADULT;

12 (VI) IF UNEMPLOYED, THE ABILITY OF THE YOUNG ADULT TO
13 BECOME GAINFULLY EMPLOYED;

14 (VII) THE CURRENT HOUSING STATUS OF THE YOUNG ADULT;

15 (VIII) THE YOUNG ADULT'S NEED FOR SUPPORT AND THE
16 LIKELIHOOD THAT THE YOUNG ADULT WILL REQUIRE ASSISTANCE FROM THE STATE
17 IN THE ABSENCE OF PARENTAL SUPPORT; AND

18 (IX) 1. THE ENROLLMENT STATUS OF THE YOUNG ADULT AT
19 AN INSTITUTION OF POSTSECONDARY EDUCATION AND THE AVAILABILITY OF
20 FINANCIAL AID FROM OTHER SOURCES, INCLUDING GRANTS AND LOANS;

21 2. THE YOUNG ADULT'S PREPARATION FOR, APTITUDE
22 FOR, AND COMMITMENT TO POSTSECONDARY EDUCATION; AND

23 3. THE INSTITUTION OF POSTSECONDARY EDUCATION
24 IN WHICH THE CHILD IS ENROLLED; AND

25 (X) ANY OTHER SOURCE OF INCOME OR SUPPORT THAT THE
26 YOUNG ADULT MAY RECEIVE.

27 (4) IF THE COURT DETERMINES THAT AN AWARD OF SUPPORT IS
28 WARRANTED, THE COURT MAY CALCULATE THE AWARD BY DEDUCTING THE INCOME
29 CONTRIBUTION OF THE YOUNG ADULT FROM THE YOUNG ADULT'S OVERALL
30 NECESSARY EXPENSES AND ASSIGNING THE REMAINDER TO EACH PARENT AS THE

1 COURT DETERMINES IS FAIR AND EQUITABLE.

2 (5) UNDER THIS SUBSECTION, A PARENT OR YOUNG ADULT MAY
3 PETITION THE COURT:

4 (I) FOR AN ORDER OF SUPPORT; OR

5 (II) FOR A MODIFICATION TO AN EXISTING ORDER ON A
6 SHOWING OF A MATERIAL CHANGE OF CIRCUMSTANCE.

7 (6) SUPPORT AWARDED UNDER THIS SUBSECTION SHALL TERMINATE
8 ON THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:

9 (I) THE YOUNG ADULT DIES;

10 (II) THE YOUNG ADULT MARRIES; OR

11 (III) THE YOUNG ADULT ATTAINS THE AGE OF 23 YEARS.

12 (7) NOTHING IN THIS SUBSECTION MAY BE INTERPRETED TO
13 REQUIRE A COURT TO GRANT AN ORDER OF SUPPORT.

14 [(d)] (F) This section does not take away or impair the jurisdiction of a juvenile
15 court or a criminal court with respect to the custody, guardianship, visitation, and support
16 of a child.

17 Article – General Provisions

18 1–401.

19 (a) [(1)] The age of majority is 18 years.

20 [(2)] (B) Except as [provided in subsection (b) of this section or as]
21 otherwise specifically provided by statute, an individual at least 18 years old is an adult for
22 all purposes and has the same legal capacity, rights, powers, privileges, duties, liabilities,
23 and responsibilities that an individual at least 21 years old had before July 1, 1973.

24 [(b)] An individual who has attained the age of 18 years and who is enrolled in
25 secondary school has the right to receive support and maintenance from both of the
26 individual’s parents until the first to occur of the following events:

27 (1) the individual dies;

28 (2) the individual marries;

- 1 (3) the individual is emancipated;
- 2 (4) the individual graduates from or is no longer enrolled in secondary
- 3 school; or
- 4 (5) the individual attains the age of 19 years.]

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2018.