

Department of Legislative Services
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 937
Judiciary

(Delegate Hill)

Family Law - Child Support - Eligibility of a Child Who Has Attained the Age of
18 Years

This bill alters the eligibility of a child who is age 18 to receive child support and establishes that child support may be awarded for a child, under specified circumstances, until the child reaches age 21.

Fiscal Summary

State Effect: General and federal fund expenditures likely increase beginning in FY 2020, as discussed below. Federal fund revenues increase correspondingly with federal fund expenditures. Special fund revenues may increase minimally, as discussed below.

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

Small Business Effect: None.

Analysis

Bill Summary: A child who has reached age 18 and who is continuously enrolled in school, including a secondary school, postsecondary school, or vocational training program, has the right to receive support and maintenance from both the child's parents. Child support terminates on the first to occur of the following events: (1) the child dies; (2) the child marries; (3) the child is emancipated; (4) the child is no longer continuously enrolled in school, including a secondary school, postsecondary school, or vocational training program; or (5) the child reaches age 21. The bill repeals general provisions regarding the right of an individual who has reached age 18 and enrolled in secondary school to receive support and maintenance from both parents until the first of specified events occurs.

In determining whether to award child support for a child who is age 18, the court must consider (1) the ability of the parents, together or separately, to provide child support; (2) whether one or both of the parents have additional minor children for whom one or both of the parents are responsible; (3) whether the child has a developmental, emotional, or intellectual disability that may hinder the ability of the child to succeed without child support; (4) the employment status and income of the child; (5) any additional source of income or support that the child may receive; (6) the housing status of the child; and (7) the child's need for support and the likelihood that the child will require assistance from the State in the absence of support.

If a court awards child support for a child who has attained the age of 18, it may require the award to be allocated to an entity that is not the child, but that disburses the award to the benefit of the child. The bill may not be interpreted to require that a parent pay the tuition costs of a child once the child has reached age 18.

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).

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 minimally to the extent that child support is ordered and collected for longer periods of time. Any such impact cannot be quantified due to the unavailability of data, but is not anticipated to be significant.

Federal fund revenues increase correspondingly with any federal fund expenditures, as discussed below, to reflect matching child support revenues.

State Expenditures: The Department of Human Services has previously advised for similar notes that the bill will have a fiscal impact on the Child Support Administration (CSA), as the child support caseload likely increases once support is ordered for individuals up to age 21 in specified circumstances. However, a reliable estimate of specific staffing costs is not possible at this time, as it depends on (1) how many additional cases in which support is ordered pursuant to the bill necessitate involvement by CSA and (2) the number of cases which would have otherwise been closed by CSA had a child no longer been eligible for support under current law. *For illustrative purposes only*, for every additional caseworker needed, expenditures increase by at least \$49,846 in fiscal 2020, and by \$60,000 annually thereafter, of which 34% will be supported by general funds and 66% with federal funds.

The Judiciary advises that compliance with the bill will alter some court processes, including hearings, and require revision of forms. However, the Judiciary can handle the bill's requirements with existing resources.

Additional Information

Prior Introductions: HB 1152 of 2018, a similar bill, received an unfavorable report from the House Judiciary Committee. Its cross file, SB 965, received a hearing in the Senate Judicial Proceedings Committee, but was subsequently withdrawn. HB 955 of 2017, a similar bill, received an unfavorable report from the House Judiciary Committee. HB 677, another similar bill, received an unfavorable report from the House Judiciary Committee. Its cross file, SB 1100 of 2016, received an unfavorable report from the Senate Judicial Proceedings Committee. Similar bills were also considered in the 2012, 2011, 2009, 2005, 2004, and 2000 sessions.

Cross File: None.

Information Source(s): Comptroller's Office; Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2019
sb/kdm

Analysis by: Jennifer K. Botts

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