

Department of Legislative Services
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 264

(Senator Lee)

Judicial Proceedings

General Provisions - Age of Majority - Right to Parental Support and
Maintenance

This bill establishes that a person who has attained the age of 18 and is continuously enrolled in a school, including a secondary school, postsecondary school, or vocational training program, has the right to receive support and maintenance from both parents until the first of specified circumstances occurs, including the individual becoming age 21 or no longer being continuously enrolled in the school or program.

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

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 due to a child's enrollment at a postsecondary school or vocational training program. Any such impact cannot be quantified due to the unavailability of data but is not anticipated to materially affect State finances.

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 advises 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 (circuit courts) may experience additional hearings since support may be ordered for longer periods of time and for individuals up to age 21 under the circumstances set forth in the bill. However, this is not anticipated to materially impact the workload of the circuit courts. The Judiciary can also make any necessary form revisions with existing budgeted resources.

Additional Information

Prior Introductions: HB 677 of 2016, a similar bill, received an unfavorable report from the House Judiciary Committee. Its cross file, SB 1100, 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): Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

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mm/kdm

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