

HOUSE BILL 937

D4

9lr0698

By: **Delegate Hill**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Support – Eligibility of a Child Who Has Attained the Age of**
3 **18 Years**

4 FOR the purpose of providing that a certain child who has attained a certain age and who
5 is continuously enrolled in a certain school or training program has the right to
6 receive child support until a certain occurrence or until the child attains a certain
7 age; requiring a court to consider certain factors when making a determination to
8 award child support for a certain child; authorizing a court to allocate an award of
9 child support to a certain entity under certain circumstances; prohibiting certain
10 provisions of this Act from being interpreted to require a parent to pay the tuition
11 costs of a certain child; and generally relating to the right to receive parental support
12 and maintenance.

13 BY repealing and reenacting, with amendments,
14 Article – General Provisions
15 Section 1–401
16 Annotated Code of Maryland
17 (2014 Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Family Law
20 Section 12–101
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2018 Supplement)

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

25 **Article – General Provisions**

26 1–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 [(b) An individual who has attained the age of 18 years and who is enrolled in
7 secondary school has the right to receive support and maintenance from both of the
8 individual's parents until the first to occur of the following events:

9 (1) the individual dies;

10 (2) the individual marries;

11 (3) the individual is emancipated;

12 (4) the individual graduates from or is no longer enrolled in secondary
13 school; or

14 (5) the individual attains the age of 19 years.]

15 Article – Family Law

16 12–101.

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

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

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

27 (4) (I) **A CHILD WHO HAS ATTAINED THE AGE OF 18 YEARS AND**
28 **WHO IS CONTINUOUSLY ENROLLED IN SCHOOL, INCLUDING A SECONDARY SCHOOL,**
29 **POSTSECONDARY SCHOOL, OR VOCATIONAL TRAINING PROGRAM, HAS THE RIGHT**
30 **TO RECEIVE SUPPORT AND MAINTENANCE FROM BOTH THE CHILD'S PARENTS UNTIL**
31 **THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:**

- 1 1. THE CHILD DIES;
- 2 2. THE CHILD MARRIES;
- 3 3. THE CHILD IS EMANCIPATED;
- 4 4. THE CHILD IS NO LONGER CONTINUOUSLY ENROLLED
- 5 IN SCHOOL, INCLUDING A SECONDARY SCHOOL, POSTSECONDARY SCHOOL, OR
- 6 VOCATIONAL TRAINING PROGRAM; OR
- 7 5. THE CHILD ATTAINS THE AGE OF 21 YEARS.

8 (ii) IN DETERMINING WHETHER TO AWARD CHILD SUPPORT

9 UNDER THIS SUBSECTION FOR A CHILD WHO HAS ATTAINED THE AGE OF 18 YEARS,

10 THE COURT SHALL CONSIDER:

- 11 1. THE ABILITY OF THE PARENTS OF THE CHILD,
- 12 TOGETHER OR SEPARATELY, TO PROVIDE CHILD SUPPORT;
- 13 2. WHETHER ONE OR BOTH OF THE PARENTS OF THE
- 14 CHILD HAVE ADDITIONAL MINOR CHILDREN FOR WHOM ONE OR BOTH OF THE
- 15 PARENTS ARE RESPONSIBLE;
- 16 3. WHETHER THE CHILD HAS A DEVELOPMENTAL,
- 17 EMOTIONAL, OR INTELLECTUAL DISABILITY THAT MAY HINDER THE ABILITY OF THE
- 18 CHILD TO SUCCEED WITHOUT CHILD SUPPORT;
- 19 4. THE EMPLOYMENT STATUS AND INCOME OF THE
- 20 CHILD;
- 21 5. ANY ADDITIONAL SOURCE OF INCOME OR SUPPORT
- 22 THAT THE CHILD MAY RECEIVE;
- 23 6. THE HOUSING STATUS OF THE CHILD; AND
- 24 7. THE NEED OF THE CHILD FOR CHILD SUPPORT AND
- 25 THE LIKELIHOOD THAT THE CHILD WILL REQUIRE ASSISTANCE FROM THE STATE IN
- 26 THE ABSENCE OF CHILD SUPPORT.

27 (ii) IF A COURT AWARDS CHILD SUPPORT UNDER THIS

28 SUBSECTION FOR A CHILD WHO HAS ATTAINED THE AGE OF 18 YEARS, THE COURT

29 MAY REQUIRE THE AWARD TO BE ALLOCATED TO AN ENTITY THAT IS NOT THE CHILD

30 BUT THAT DISBURSES THE AWARD TO THE BENEFIT OF THE CHILD.

1 **(III) NOTHING IN THIS SUBSECTION MAY BE INTERPRETED TO**
2 **REQUIRE THAT A PARENT PAY THE TUITION COSTS OF A CHILD ONCE THE CHILD HAS**
3 **ATTAINED THE AGE OF 18 YEARS.**

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

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

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

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

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

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2019.