

MAINE STATE LEGISLATURE

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L.D. 156
(Filing No. H- 139)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 119, L.D. 156, Bill, "An Act to Increase the Age Limit for Child Support"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting the following:

'Sec. 1. 19 MRSA §214, sub-§9, as repealed and replaced by PL 1985, c. 652, §3, is amended to read:

9. Support order. The court may order either parent of a minor child to contribute reasonable and just sums as child support payable weekly, monthly or quarterly. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to subchapter V. If such an order exists, the court shall consider its terms in establishing a child support obligation.

After January 1, 1990, the court may order either parent to provide child support beyond the child's 18th birthday if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs.

The court's order may include a requirement for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. If medical, hospitalization or dental insurance coverage for his that parent's child is available to an obligated parent on a group basis through his that parent's employment or other affiliation, the court's order shall include a provision requiring the obligated parent to obtain and maintain that coverage on behalf of his that parent's child. The court may enforce a support order as provided in chapter 14-A.

1
2 Sec. 2. 19 MRSA §303, as enacted by PL 1969, c. 175, is
3 repealed and the following enacted in its place:

4 §303. Support of child by parent not having custody

5
6 1. Support for each child. When by court decree a parent
7 is required to pay to the other parent money for the support of
8 minor children, the decree shall indicate separately the amount
9 of money to be paid for the support of each child.

10
11 2. Termination of decree. The decree of the court shall
12 remain in force as to each child until that child either:

13
14 A. Attains the age of 18 years. For decrees issued after
15 January 1, 1990, if the child attains the age of 18 years
16 while attending secondary school as defined in Title 20-A,
17 section 1, the decree shall remain in force until the child
18 graduates, withdraws or is expelled from secondary school or
19 attains the age of 19, whichever first occurs;

20 B. Becomes married;

21 C. Becomes a member of the armed services; or

22 D. The decree is altered by the court.

23
24 Sec. 3. 19 MRSA §493, sub-§4, as enacted by PL 1975, c. 532,
25 §3, is amended to read:

26 4. "Dependent child" means any minor child who is not
27 emancipated.

28
29 Notwithstanding any other provision of this subchapter, if a
30 person for whom child support has been established by a court
31 order of support, as defined by subsection 2, attains the age of
32 18 years while attending secondary school as defined in Title
33 20-A, section 1, a support debt may be established under this
34 subchapter with respect to child support accruing between that
35 person's 18th birthday and that person's graduation, withdrawal
36 or expulsion from secondary school or 19th birthday, whichever
37 first occurs, if the court order of support has been issued after
38 January 1, 1990.

39 Sec. 4. 19 MRSA §498, first ¶, as amended by PL 1985, c. 652,
40 §26, is further amended to read:

41
42 If no court order of support exists, the department may, by
43 hearing and other procedures set forth below, establish a
44 periodic payment to satisfy the responsible parent's support
45 obligation under sections 442 and 443, establish the debt accrued
46

1 under section 495, establish a periodic payment to satisfy that
2 debt and establish the responsible parent's obligation to
3 maintain medical insurance coverage and to provide payment for
4 other medical expenses incurred on behalf of his that parent's
5 dependent children. Notwithstanding sections 442 and 443, after
6 January 1, 1990, the responsible parent's support obligation
7 shall continue beyond the child's 18th birthday if the child is
8 attending secondary school as defined in Title 20-A, section 1,
9 until the child graduates, withdraws or is expelled from
10 secondary school or attains the age of 19, whichever first occurs.

11 **Sec. 5. 19 MRSA §498-A, first ¶**, as enacted by PL 1985, c. 652,
12 §27, is amended to read:

15 If no court order of support exists, the department may, by
16 hearing and other procedures set forth in this section, establish
17 a periodic payment to satisfy the responsible parent's support
18 obligation under sections 442 and 443, on behalf of his that
19 parent's dependent children for whom the department has agreed to
20 provide enforcement services pursuant to section 448-A. The
21 department may also establish the responsible parent's obligation
22 to maintain medical insurance coverage and to provide payment for
23 other medical expenses incurred on behalf of his that parent's
24 dependent children. Notwithstanding sections 442 and 443, after
25 January 1, 1990, the responsible parent's support obligation
26 shall continue beyond the child's 18th birthday if the child is
27 attending secondary school as defined in Title 20-A, section 1,
28 until the child graduates, withdraws or is expelled from
29 secondary school or attains the age of 19, whichever first occurs.

31 **Sec. 6. 19 MRSA §581, sub-§9**, as repealed and replaced by PL
32 1985, c. 652 §42, is amended to read:

35 9. **Support; prosecution money.** The court may order either
36 parent of a minor child to contribute reasonable and just sums as
37 child support payable weekly, monthly or quarterly. An order for
38 child support under this section may include an order for the
39 payment of part or all of the medical expenses, hospital expenses
40 and other health care expenses of the child or an order to
41 provide a policy or contract for coverage of those expenses. If
42 medical, hospitalization or dental insurance coverage for his
43 that parent's child is available to an obligated parent on a
44 group basis through his that parent's employer or group
45 affiliation, the court's order shall include a provision
46 requiring the obligated parent to obtain and maintain that
47 coverage on behalf of his that parent's child. The court shall
48 inquire of the parties concerning the existence of a child
49 support order entered pursuant to subchapter V. If such an order
exists, the court shall consider its terms in establishing a
child support obligation.

1
3 After January 1, 1990, the court may order either parent to
5 provide child support beyond the child's 18th birthday if the
7 child is attending secondary school as defined in Title 20-A,
9 section 1, until the child graduates, withdraws or is expelled
11 from secondary school or attains the age of 19, whichever first
13 occurs.

15 **Sec. 7. 19 MRSA §752, sub-§10**, as amended by PL 1985, c. 652,
17 §46, is further amended to read:

19 **10. Support order.** An order of the court for child support
21 may run against the father or the mother in whole or in part or
23 against both, irrespective of the fault of the father or mother
25 in the divorce action. For divorces ordered after January 1,
27 1990, the order for child support may run until the child
29 graduates, withdraws or is expelled from secondary school as
31 defined in Title 20-A, section 1, or attains the age of 19 years,
33 whichever first occurs after the child attains the age of 18
35 years. When the order is to run against both, the court shall
37 specify the amount each shall pay. The court shall inquire of
39 the parties concerning the existence of a child support order
41 entered pursuant to subchapter V. If such an order exists, the
43 court shall consider its terms in establishing a child support
45 obligation.

27 An order for child support may include an order for the payment
29 of part or all of the medical expenses, hospital expenses and
31 other health care expenses of the child or an order to provide a
33 policy or contract for coverage of these expenses. If medical,
35 hospitalization or dental insurance coverage for the child is
37 available to an obligated parent on a group basis through his
39 that parent's employer or group affiliation, the court's order
41 shall include a provision requiring the obligated parent to
43 obtain and maintain that coverage on behalf of his that parent's
45 child.

37 Availability of public welfare benefits to the family shall not
39 affect the decision of the court as to the responsibility of a
41 parent to provide child support.

43 The court may enforce a support order as provided in chapter 14-A.

45 FISCAL NOTE

47 The Department of Human Services can absorb the additional
49 costs associated with this Act within its resources. It is
51 anticipated that an increase in dedicated revenue to the
Department of Human Services will result, and is estimated to be
\$27,210 in fiscal year 1989-90 and \$54,420 in fiscal year
1990-91.'

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STATEMENT OF FACT

This amendment retains the original intent of the bill but replaces the text of the bill. The State has a very strong interest in encouraging completion of high school. This amendment is intended to help those high school students who reach the age of 18 before graduation by extending parental support in all situations.

Section 2 of the amendment authorizes the court to order child support past the age of 18 when the parents are living apart. Section 1 amends the general provisions concerning desertion and nonsupport to authorize the court to order child support past the age of 18. Section 3 of the amendment clarifies that nonpayment of support past the age of 18 ordered by the court or by the Department of Human Services through an administrative order creates a debt which the department can enforce. Sections 4 and 5 extend that parental obligation to all parents who owe a debt to the Department of Human Services because public assistance is paid for the benefit of the child or because the department has agreed to provide enforcement services. Section 6 allows the court to order child support past the age of 18 in the case of judicial separation. Section 7 extends the obligation of divorced parents to support their children past the age of 18.

The obligation of support past the age of 18 would continue until the son or daughter graduates, withdraws or is expelled from high school or reaches the age of 19, whichever occurs first.

These changes will apply only to divorce and other court orders or administrative orders issued after January 1, 1990.

Reported by the Committee on Judiciary
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5/2/89 (Filing No. H-139)