

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1149

H.P. 803

House of Representatives, March 18, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MARSANO of Belfast. (By Request)

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Child Support Law to Include Coverage for
Children in College.

Be it enacted by the People of the State of Maine as follows:

2
4 Sec. 1. 19 MRSA §214, sub-§9, as amended by PL 1989, c. 834,
Pt. B, §1, is further amended to read:

6 9. Support order. The court may order either parent of a
8 minor child to contribute reasonable and just sums as child
10 support payable weekly, monthly or quarterly. Availability of
12 public welfare benefits to the family must not affect the
14 decision of the court as to the responsibility of a parent to
16 provide child support. The court shall inquire of the parties
concerning the existence of a child support order entered
pursuant to chapter 7, subchapter V. If such an order exists,
the court shall consider its terms in establishing a child
support obligation. A determination or modification of child
support under this section must comply with chapter 7, subchapter
I-A.

18
20 After January 1, 1990, the court may order either parent to
22 provide child support beyond the child's 18th birthday if the
24 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.

26 After January 1, 1992, the court may order either parent to
28 provide child support beyond the child's 18th birthday until the
30 child: graduates from secondary school and works year-round,
32 full time; becomes a member of the United States Armed Forces;
34 graduates from a postsecondary institution; completes less than a
4-year degree at a postsecondary institution with no intent to
complete a 4-year degree; or completes a nursing program,
vocational or technical program or a training school leading to
employment.

36 The court's order may include a requirement for the payment of
38 part or all of the medical expenses, hospital expenses and other
40 health care expenses of the child. The court order must include
42 a provision requiring the obligated parent to obtain and maintain
44 health insurance coverage for medical, hospitalization and dental
46 expenses, if health insurance is available to the obligated
48 parent at reasonable cost. The court order must also require the
50 obligated parent to furnish proof of coverage to the obligee
52 within 15 days of receipt of a copy of the court order. For the
purposes of this section, health insurance is considered
reasonable in cost if it is employment-related or other group
health insurance. If health insurance is not available at
reasonable cost at the time of the hearing, the court order must
establish the obligation to provide health insurance on the part
of the obligated parent effective immediately upon insurance
being available at reasonable cost. The court may enforce a
support order as provided in chapter 14-A.

2 **Sec. 2. 19 MRSA §303, sub-§2**, as enacted by PL 1989, c. 156,
§2, is amended to read:

4 **2. Termination of decree.** The decree of the court shall
remain remains in force as to each child until ~~that-child-either:~~

6 A. ~~Attains~~ That child attains the age of 18 years. For
8 decrees issued after January 1, 1990, if the child attains
10 the age of 18 years while attending secondary school as
12 defined in Title 20-A, section 1, the decree shall ~~remain~~
14 remains in force until the child graduates, withdraws or is
16 expelled from secondary school or attains the age of 19,
18 whichever first occurs. For decrees issued after January 1,
20 1992, the decree remains in force beyond the age of 18 years
22 until the child: graduates from secondary school and works
24 year-round, full time; becomes a member of the United States
26 Armed Forces; graduates from a postsecondary institution;
28 completes less than a 4-year degree at a postsecondary
30 institution with no intent to complete a 4-year degree; or
32 completes a nursing program, vocational or technical program
34 or a training school leading to employment;

36 B. ~~Becomes~~ That child becomes married; or

38 C. ~~Becomes-a-member-of-the-armed-services;-or~~

40 D. The decree is altered by the court.

42 **Sec. 3. 19 MRSA §493, sub-§4**, as amended by PL 1989, c. 156,
§3, is further amended to read:

44 **4. "Dependent child"** means any minor child who is not
emancipated.

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

Notwithstanding any other provision of this subchapter, if a
person for whom child support has been established by a court
order of support, as defined by subsection 2, issued after
January 1, 1992, attains the age of 18 years, a support debt may
be established under this subchapter with respect to child
support accruing between that person's 18th birthday and the date

2 when that person: graduates from secondary school and works
3 year-round, full time; becomes a member of the United States
4 Armed Forces; graduates from a postsecondary institution;
5 completes less than a 4-year degree at a postsecondary
6 institution with no intent to complete a 4-year degree; or
7 completes a nursing program, vocational or technical program or a
8 training school leading to employment.

9
10 Sec. 4. 19 MRSA §498, first ¶, as enacted by PL 1989, c. 337,
11 §3, is amended to read:

12 If no court order of support exists, the department, by
13 hearing, on its own behalf or on behalf of another state or
14 another state's instrumentality, may establish a periodic payment
15 to satisfy the responsible parent's current support obligation
16 under sections 442 and 443, establish the responsible parent's
17 debt accrued under section 495, and establish the responsible
18 parent's obligation to maintain health insurance coverage for any
19 dependent children and to provide payment for other medical
20 expenses incurred on behalf of the dependent children by the
21 department or by another state or another state's
22 instrumentality, by the other parent or any other person with
23 whom the children reside. The department acting on behalf of
24 another state or another state's instrumentality or a person
25 residing in another state shall-constitute constitutes good cause
26 within the meaning of Title 5, section 9057, subsection 5.
27 Notwithstanding sections 442 and 443, after January 1, 1990, the
28 responsible parent's support obligation shall-continue continues
29 beyond the child's 18th birthday if the child is attending
30 secondary school as defined in Title 20-A, section 1, until the
31 child graduates, withdraws or is expelled from secondary school
32 or attains the age of 19, whichever first occurs.
33 Notwithstanding sections 442 and 443, after January 1, 1992, the
34 responsible parent's support obligation continues beyond the
35 child's 18th birthday until the child: graduates from secondary
36 school and works year-round, full time; becomes a member of the
37 United States Armed Forces; graduates from a postsecondary
38 institution; completes less than a 4-year degree at a
39 postsecondary institution with no intent to complete a 4-year
40 degree; or completes a nursing program, vocational or technical
41 program or a training school leading to employment.

42
43 Sec. 5. 19 MRSA §498-A, first ¶, as repealed and replaced by PL
44 1989, c. 337, §4, is amended to read:

45 If no court order of support exists, the department by
46 hearing on behalf of any individual or governmental applicant for
47 services under section 448-A, or on behalf of any person entitled
48 by federal statute to support enforcement services as a former
49 recipient of public assistance, may establish a periodic payment
50 to satisfy the responsible parent's current support obligation
51 under sections 442 and 443, and establish the responsible
52 parent's obligation to maintain health insurance coverage for any

2 dependent children and to provide payment for other medical
3 expenses incurred on behalf of the dependent children by the
4 other parent of the children or by any other person with whom the
5 children reside. The department acting on behalf of another
6 state or another state's instrumentality or a person residing in
7 another state ~~shall constitute~~ constitutes good cause within the
8 meaning of Title 5, section 9057, subsection 5. Notwithstanding
9 sections 442 and 443, after January 1, 1990, the responsible
10 parent's support obligation ~~shall continue~~ continues beyond the
11 child's 18th birthday if the child is attending secondary school
12 as defined in Title 20-A, section 1, until the child graduates,
13 withdraws or is expelled from secondary school or attains the age
14 of 19, whichever first occurs. Notwithstanding sections 442 and
15 443, after January 1, 1992, the responsible parent's support
16 obligation continues beyond the child's 18th birthday until the
17 child: graduates from secondary school and works year-round, full
18 time; becomes a member of the United States Armed Forces;
19 graduates from a postsecondary institution; completes less than a
20 4-year degree at a postsecondary institution with no intent to
21 complete a 4-year degree; or completes a nursing program,
22 vocational or technical program or a training school leading to
employment.

24 **Sec. 6. 19 MRSA §498-C, sub-§4, ¶D**, as enacted by PL 1989, c.
25 877, Pt. A, §1, is amended to read:

26 D. The If the order was issued on or before January 1,
27 1992, the child:

30 (1) If not attending secondary school, as defined in
31 Title 20-A, section 1, becomes 18 years of age; or

32 (2) If attending secondary school, as defined in Title
33 20-A, section 1:

36 (a) Graduates, withdraws or is expelled from
37 secondary school; or

38 (b) Becomes 19 years of age; or

40 **Sec. 7. 19 MRSA §498-C, sub-§4, ¶D-1** is enacted to read:

42 D-1. If the order was issued after January 1, 1992, the
43 child: graduates from secondary school and works
44 year-round, full time; becomes a member of the United States
45 Armed Forces; graduates from a postsecondary institution;
46 completes less than a 4-year degree at a postsecondary
47 institution with no intent to complete a 4-year degree; or
48 completes a nursing program, vocational or technical program
49 or a training school leading to employment; or

52 **Sec. 8. 19 MRSA §752, sub-§10**, as amended by PL 1989, c. 834,
Pt. B, §11, is further amended to read:

2 10. **Support order.** An order of the court for child support
4 may run against the father or the mother in whole or in part or
6 against both, irrespective of the fault of the father or mother
8 in the divorce action. For divorces ordered after January 1,
10 1990, the order for child support may run until the child
12 graduates, withdraws or is expelled from secondary school as
14 defined in Title 20-A, section 1, or attains the age of 19 years,
16 whichever first occurs after the child attains the age of 18
18 years. For divorces ordered after January 1, 1992, the order for
20 child support may run until the child: graduates from secondary
22 school and works year-round, full time; becomes a member of the
24 United States Armed Forces; graduates from a postsecondary
26 institution; completes less than a 4-year degree at a
28 postsecondary institution with no intent to complete a 4-year
30 degree; or completes a nursing program, vocational or technical
32 program or a training school leading to employment. When the
34 order is to run against both, the court shall specify the amount
36 each shall pay. The court shall inquire of the parties
38 concerning the existence of a child support order entered
40 pursuant to chapter 7, subchapter V. If such an order exists,
42 the court shall consider its terms in establishing a child
44 support obligation. A determination or modification of child
46 support under this section must comply with chapter 7, subchapter
48 I-A.

28 An order for child support under this section may include an
30 order for the payment of part or all of the medical expenses,
32 hospital expenses and other health care expenses of the child.
34 The court order must include a provision requiring an obligated
36 parent to obtain and maintain health insurance coverage for
38 medical, hospitalization and dental expenses, if health insurance
40 is available to the obligated parent at reasonable cost. The
42 court order must also require the obligated parent to furnish
44 proof of such coverage to the obligee within 15 days of receipt
46 of a copy of the court order. For the purposes of this section,
48 health insurance is considered reasonable in cost if it is
50 employment-related or other group health insurance. If health
52 insurance is not available at reasonable cost at the time of the
hearing, the court order must establish the obligation to provide
health insurance on the part of the obligated parent effective
immediately upon the insurance being available at reasonable cost.

44 Availability of public welfare benefits to the family must not
46 affect the decision of the court as to the responsibility of a
parent to provide child support.

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

50 Sec. 9. 19 MRSA §777-A, sub-§9, ¶C, as enacted by PL 1989, c.
52 877, Pt. A, §3, is amended to read:

2 C. The child becomes 18 years of age, except as provided in
subsection 10 or 10-A; or

4 Sec. 10. 19 MRSA §777-A, sub-§10, as enacted by PL 1989, c.
877, Pt. A, §3, is amended to read:

6
8 **10. Exception to duration of order for attending secondary
school.** If For child support ordered on or before January 1,
1992, if the child is attending secondary school as defined in
10 Title 20-A, section 1 and if a court has ordered the obligor to
12 provide child support until the child graduates, withdraws or is
14 expelled from school or becomes 19 years of age, a withholding
order is binding upon the payor of income to the obligor until
the child:

16 A. Graduates, withdraws, or is expelled from secondary
school; or

18 B. Becomes 19 years of age.

20 Sec. 11. 19 MRSA §777-A, sub-§10-A is enacted to read:

22 **10-A. Exception to duration of order for completing
24 postsecondary education.** For child support ordered after January
1, 1992, if a court has ordered the obligor to provide child
26 support until the child: graduates from secondary school and
works year-round, full time; becomes a member of the United
28 States Armed Forces; graduates from a postsecondary institution;
completes less than a 4-year degree at a postsecondary
30 institution with no intent to complete a 4-year degree; or
completes a nursing program, vocational or technical program or a
32 training school leading to employment, a withholding order is
binding upon the payor of income to the obligor until the child:

34 A. Graduates from secondary school and works year-round,
36 full time;

38 B. Becomes a member of the United States Armed Forces;

40 C. Graduates from a postsecondary institution;

42 D. Completes less than a 4-year degree at a postsecondary
44 institution with no intent to complete a 4-year degree; or

46 E. Completes a nursing program, vocational or technical
program or a training school leading to employment.

48 **STATEMENT OF FACT**

50 This bill extends the time a parent is responsible for
52 paying child support until the child:

2 1. Graduates from secondary school and works year-round,
full time;

4 2. Becomes a member of the United States Armed Forces;

6 3. Graduates from a postsecondary institution;

8 4. Completes less than a 4-year degree at a postsecondary
10 institution with no intent to complete a 4-year degree; or

12 5. Completes a nursing program, vocational or technical
14 program or a training school leading to employment.

16 This change applies to all orders of child support entered
after January 1, 1992.