

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

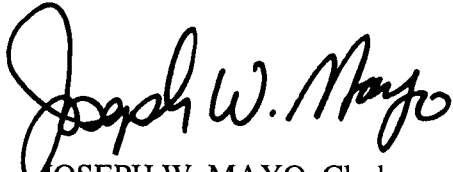
No. 486

H.P. 366

House of Representatives, February 9, 1995

**An Act Terminating Parental Child Support Obligation When the Child
Attains 18 Years of Age.**

Received by the Clerk of the House on February 7, 1995. Referred to the Committee on
Judiciary and ordered printed pursuant to Joint Rule 14.


JOSEPH W. MAYO, Clerk

Presented by Representative LANE of Enfield. (By Request)

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 1993, c. 472,
§1, is further amended to read:

6

8 **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 may not affect the decision
10 of the court as to the responsibility of a parent to provide
child support. The court shall inquire of the parties concerning
12 the existence of a child support order entered pursuant to
chapter 7, subchapter V. If such an order exists, the court
14 shall consider its terms in establishing a child support
obligation. A determination or modification of child support
16 under this section must comply with chapter 7, subchapter I-A.

18

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

24

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

42

When the Department of Human Services provides support
44 enforcement services, the support order must include a provision
that requires the responsible parent to keep the department
46 informed of any changes in that parent's current address, the
name and address of that parent's current employer and whether
48 the responsible parent has access to health insurance coverage at
reasonable cost and, if so, the health insurance policy
50 information and any subsequent changes.

2 **Sec. 2. 19 MRSA §301-A** is enacted to read:

4 **§301-A. Termination of parent's obligation to support**

6 Notwithstanding any other provision of law, a divorce
8 decree, child support agreement or other document establishing
10 child support obligations issued, entered into or enforced in
 this State does not require a parent to provide support to a
 child after the child attains the age of 18 years.

12 **Sec. 3. 19 MRSA §303, sub-§2, ¶A**, as enacted by PL 1989, c.
14 156, §2, is amended to read:

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

22 **Sec. 4. 19 MRSA §303, sub-§3**, as enacted by PL 1989, c. 834,
24 Pt. B, §6, is amended to read:

26 **3. Automatic adjustments.** Notwithstanding subsection 2,
28 the decree of the court or order of the hearing officer may
30 include automatic adjustments to the amount of money paid for the
32 support of a child when the child attains the age of 12 ~~or 18~~
 ~~years, or when the child graduates, withdraws or is expelled from~~
 ~~secondary school, attains the age of 19 or is otherwise~~
 ~~emancipated, whichever occurs first.~~

34 **Sec. 5. 19 MRSA §311, sub-§11**, as enacted by PL 1989, c. 834,
 Pt. A, is repealed.

36 **Sec. 6. 19 MRSA §493, sub-§4**, as amended by PL 1989, c. 156,
38 §3, is further amended to read:

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

42 ~~Notwithstanding any other provision of this subchapter, if a~~
44 ~~person for whom child support has been established by a court~~
46 ~~order of support, as defined by subsection 2, attains the age of~~
48 ~~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~~

2 ~~first-occurs, if the court order of support has been issued after~~
January 1, 1990.

4 **Sec. 7. 19 MRSA §497-A, first ¶**, as enacted by PL 1993, c. 607,
§5, is amended to read:

6
8 When a court order of support has not been established, the
department, by hearing, may establish the responsible parent's
parental support obligation pursuant to subchapter I-A, the debt
10 for past necessary support including medical expenses and the
obligation to maintain health insurance coverage for the
12 dependent child or children. The department may proceed on its
own behalf or on behalf of another state, another state's
14 instrumentality, an individual or governmental applicant for
services under section 448-A or a person entitled by federal law
16 to support enforcement services as a former recipient of public
assistance. The department acting on behalf of another state,
18 another state's instrumentality or a person residing in another
state constitutes good cause within the meaning of Title 5,
20 section 9057, subsection 5. ~~Notwithstanding any other provision~~
~~of law, a parental support obligation established under this~~
~~section continues 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, is expelled or attains~~
~~19 years of age, whichever occurs first.~~ For purposes of this
26 subchapter, "debt for past necessary support" includes a debt
owed to the department under section 495, subsection 1, paragraph
28 A, a debt owed under section 448-A and a debt that accrues under
sections 273 and 443-A.

30 **Sec. 8. 19 MRSA §497-B, first ¶**, as enacted by PL 1993, c. 607,
32 §5, is amended to read:

34 When a court order of support has not been established, the
department may establish the responsible parent's current
36 parental support obligation pursuant to subchapter I-A, establish
the responsible parent's debt for past necessary support
38 including medical expenses and establish the responsible parent's
obligation to maintain health insurance coverage for the
40 dependent child or children. The department may proceed on its
own behalf or on behalf of another state or another state's
42 instrumentality, an individual or governmental applicant for
services under section 448-A or a person entitled by federal law
44 to support enforcement services as a former recipient of public
assistance. The department acting on behalf of another state,
46 another state's instrumentality or a person residing in another
state constitutes good cause within the meaning of Title 5,
48 section 9057, subsection 5. ~~Notwithstanding any other provision~~
~~of law, a parental support obligation established under this~~
50 ~~section continues beyond the child's 18th birthday, if the child~~

2 ~~is attending secondary school as defined in Title 20-A, section~~
3 ~~1, until the child graduates, withdraws, is expelled or attains~~
4 ~~19 years of age, whichever occurs first.~~ For purposes of this
5 subchapter, "debt for past necessary support" includes a debt
6 owed to the department under section 495, subsection 1, paragraph
7 A, a debt owed under section 448-A and a debt that accrues under
8 sections 273 and 443-A.

9
10 **Sec. 9. 19 MRSA §752, sub-§10**, as amended by PL 1993, c. 472,
11 §3, is further amended to read:

12 **10. Support order.** An order of the court for child support
13 may run against the father or the mother in whole or in part or
14 against both, irrespective of the fault of the father or mother
15 in the divorce action. ~~For divorces ordered after January 1,~~
16 ~~1990, the order for child support may run until the child~~
17 ~~graduates, withdraws or is expelled from secondary school as~~
18 ~~defined in Title 20-A, section 1, or attains the age of 19 years,~~
19 ~~whichever first occurs after the child attains the age of 18~~
20 ~~years.~~ When the order is to run against both, the court shall
21 specify the amount each shall pay. The court shall inquire of
22 the parties concerning the existence of a child support order
23 entered pursuant to chapter 7, subchapter V. If such an order
24 exists, the court shall consider its terms in establishing a
25 child support obligation. A determination or modification of
26 child support under this section must comply with chapter 7,
27 subchapter I-A.

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

45
46 When the Department of Human Services provides support
47 enforcement services, the support order must include a provision
48 that requires the responsible parent to keep the department
49 informed of any changes in that parent's current address, the
50 name and address of that parent's current employer and whether

2 the responsible parent has access to health insurance coverage at
reasonable cost and if so the health insurance policy information
and any subsequent changes.

4
6 Availability of public welfare benefits to the family may not
affect the decision of the court as to the responsibility of a
parent to provide child support.

8
10 The court may enforce a support order as provided in chapter 14-A.

12 **STATEMENT OF FACT**

14 This bill provides that a parent's obligation to support
16 that parent's offspring ends when the child reaches the age of 18
years. A state law, divorce decree, child support agreement or
18 other document establishing support obligations may not provide
otherwise and if it should, the provision is not enforceable
under state law.

20
22 The bill repeals provisions enacted by Public Law 1989, c.
156 requiring continued support of offspring between the ages of
18 and 19 years who are secondary school students.