

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 81

S.P. 30

In Senate, January 11, 2017

An Act Regarding the Payment of Back Child Support

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative ORDWAY of Standish and
Senator: CHENETTE of York, Representative: KINNEY of Limington.

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

2 **Sec. 1. 14 MRSA §864** is amended to read:

3 **§864. Presumption of payment after 20 years**

4 Every judgment and decree of any court of record of the United States, or of any
5 state, or justice of the peace in this State ~~shall be~~ is presumed to be paid and satisfied at
6 the end of 20 years after any duty or obligations accrued by virtue of such judgment or
7 decree, except for a child support order under Title 19-A, section 1653, subsection 8.

8 **Sec. 2. 19-A MRSA §1653, sub-§12**, as enacted by PL 1995, c. 694, Pt. B, §2
9 and affected by Pt. E, §2, is amended to read:

10 **12. Termination of order.** A court order requiring the payment of child support
11 remains in force as to each child until the order is altered by the court or until that child:

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

16 B. Becomes married; or

17 C. Becomes a member of the armed services.

18 The equitable defense of laches is unavailable in any action to enforce a judgment, order
19 or mutually consensual and legally binding financial agreement pertaining to child
20 support.

21 **SUMMARY**

22 This bill removes the presumption that a child support order has been paid after 20
23 years and clarifies that the equitable defense of laches is unavailable in actions to enforce
24 a child support judgment or agreement.