

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Extend Parental Support Obligations for College Students

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

Sec. 1. 19-A MRS §1501, sub-§3-A is enacted to read:

3-A. Institution of higher education. "Institution of higher education" has the same meaning as used in Title IV of the federal Higher Education Act, as set forth in 20 United States Code, Section 1002(a).

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

~~B. After~~Except as provided in paragraph B-1, after January 1, 1990, if the court orders either parent to provide child support, the court order must require that the child support be provided 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 occurs first.

Sec. 3. 19-A MRS §1653, sub-§8, ¶B-1 is enacted to read:

B-1. After January 1, 2008, if the court orders either parent to provide child support, the court order must require that the child support be provided beyond the time period established in paragraph B if the child is attending an institution of higher education, until the child graduates, withdraws or is expelled from that or another institution of higher education or attains 22 years of age, whichever occurs first. Attendance must be as a full-time student and must have begun within 6 months of secondary school graduation. Child support for the benefit of a child attending an institution of higher education may be paid directly to the institution.

Sec. 4. 19-A MRS §2001, sub-§11, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

11. Twelve through 17 years; between the ages of 12 and 18 years. The age categories "12 through 17 years" and "between the ages of 12 and 18 years" as used in the child support table and elsewhere in the support guidelines are deemed to include ~~a child between 18 and 19 years of age who is attending a secondary school for whom an obligation of support is established or deemed to remain in force pursuant to Public Law 1989, chapter 156.:~~

A. A child between 18 and 19 years of age who is attending a secondary school for whom an obligation of support is established or deemed to remain in force pursuant to Public Law 1989, chapter 156; and

B. After January 1, 2008, a child between 18 and 22 years of age who is attending an institution of higher education for whom an obligation of support is established or deemed to remain in force under section 1653, subsection 8, paragraph B-1.

Sec. 5. 19-A MRSA §2304, first ¶, as amended by PL 2001, c. 264, §12, is further amended to read:

When a support order has not been established, the department may establish the responsible parent's current parental support obligation pursuant to chapter 63, establish the responsible parent's debt for past support, including medical expenses, and establish the responsible parent's obligation to maintain health insurance coverage for each dependent child or to pay a proportionate share of health insurance premiums. The department may proceed on its own behalf or on behalf of another state or another state's instrumentality, an individual or governmental applicant for services under section 2103 or a person entitled by federal law to support enforcement services as a former recipient of public assistance. The department acting on behalf of another state, another state's instrumentality or a person residing in another state constitutes good cause within the meaning of Title 5, 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. After January 1, 2008, a parental support obligation established under this section continues beyond the child's 18th birthday if the child is attending an institution of higher education, until the child graduates, withdraws or is expelled from that or another institution of higher education or attains 22 years of age, whichever occurs first. Attendance must be as a full-time student and must have begun within 6 months of secondary school graduation. For purposes of this section, "debt for past support" includes a debt owed to the department under section 2301, subsection 1, paragraph A, a debt owed under section 2103 and a debt that accrues under sections 1504 and 1554.

Sec. 6. 19-A MRSA §2306, sub-§4, ¶D, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

D. The child:

- (1) If not attending secondary school, as defined in Title 20-A, section 1, becomes 18 years of age; or
- (2) If attending secondary school, as defined in Title 20-A, section 1:
 - (a) Graduates, withdraws or is expelled from secondary school; or
 - (b) Becomes 19 years of age; or
- (3) After January 1, 2008, if attending an institution of higher education:

(a) Graduates, withdraws or is expelled from that or another institution of higher education;
or

(b) Becomes 22 years of age; or

SUMMARY

This bill extends the child support obligation beyond high school if the child attends an institution of higher education until the child graduates, withdraws or is expelled from that or another institution of higher education or reaches 22 years of age, whichever occurs first. The child must be a full-time student and must have begun attending the institution of higher education within 6 months of graduating from high school. Child support may be paid directly to the institution of higher education. The definition of "institution of higher education" is that used in Title IV of the federal Higher Education Act.