

- SUBJECT:** Child-support payments for high school students over age 18
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 9 ayes — Dutton, Goodman, Baxter, Castro, Dunnam, Hodge, J. Moreno, Morrison, Reyna
- 0 nays
- WITNESSES:** For — Judge Tom Stansbury, Texas Family Law Foundation
- Against — None
- On — Roy Getting, Texas Fathers Alliance
- BACKGROUND:** Under Family Code, sec. 154.002, a court may render an original order or modify an existing order providing child support past a child’s 18th birthday if the child is “fully enrolled” in an accredited secondary school in a program leading toward a high school diploma or in courses for joint high school and junior college credit.
- DIGEST:** CSHB 234 would allow a court to render or modify a child support-order to provide child support past a child’s 18th birthday only if the child is enrolled full-time in an accredited public or private secondary school or in courses for joint high school and junior college, and only if the child complies with minimum attendance requirements as specified by Education Code, chapter 25, or by the private school in which the child is enrolled. Support payments would end if the court found that the child had failed to meet minimum attendance requirements.
- The bill would take effect September 1, 2003, and would apply only to child-support agreements entered into on or after that date.
- SUPPORTERS SAY:** Although current law allows courts to order continued child-support payments for children over 18 who are enrolled in school, the wording of the statute has led to confusion and even litigation over the definition of “fully enrolled.” CSHB 234 would eliminate this confusion by establishing clear enrollment

and attendance standards. It would give family law judges a benchmark to determine whether an 18-year old student meets standard enrollment and attendance guidelines established by law. For children in situations in which attendance requirements are unclear, such as home schooling, judges would retain latitude to evaluate the situation on a case-by-case basis.

**OPPONENTS  
SAY:**

CSHB 234 would not establish enrollment and attendance criteria for 18-year-olds who are in alternative educational settings, such as home schools. Parents of home-schooled children could have difficulty documenting enrollment and attendance for child-support purposes. By listing specific definitions of enrollment and attendance, CSHB 234 could limit judges' latitude to make individual determinations of school enrollment and attendance.

**NOTES:**

The committee substitute added language to include students enrolled in accredited private secondary schools under requirements for enrollment and attendance.