

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

## **An Act Regarding the Payment of Back Child Support**

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

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

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

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

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

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

- A. Attains 18 years of age. For orders issued after January 1, 1990, if the child attains 18 years of age while attending secondary school as defined in Title 20-A, section 1, the order remains in force until the child graduates, withdraws or is expelled from secondary school or attains 19 years of age, whichever occurs first;
- B. Becomes married; or
- C. Becomes a member of the armed services.

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

## **SUMMARY**

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