SB441
150753-1
By Senators Sanford, Beason, Glover, and Fielding
RFD: Education
First Read: 11-APR-13
SYNOPSIS: Under existing law, the age of majority in the State of Alabama is 19 years of age. Under existing court precedent, the Alabama Supreme Court in Ex parte Bayliss, 550 So.2d 896 (Ala. 1989) ruled that the court, in a child support case matter, has the power to award post-minority support for the purpose of paying educational expenses, including expenses related to postsecondary education.

This bill would prohibit a court from ordering a person to provide post-minority education support to another person who has reached the age of majority unless the person is mentally or physically disabled.
To amend Section 26-1-1, Code of Alabama 1975; to prohibit a court from ordering certain persons to provide for the post-minority education support of another person who has reached the age of majority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-1-1, Code of Alabama 1975, is amended to read as follows:

"§26-1-1.

"(a) Any person in this state, at the arrival at the age of 19 years, shall be relieved of his or her disabilities of minority and thereafter shall have the same legal rights and abilities as persons over 21 years of age. No law of this state shall discriminate for or against any person between and including the ages of 19 and 21 years solely on the basis of age.

"(b) This section shall also apply to any person who arrived at the age of 19 and 20 years before July 22, 1975, but shall not abrogate any defense or abridge any remedy available to him or her prior to such date.

"(c) All laws or parts of laws which read "under the age of 21 years" hereafter shall read "under the age of 19 years." Wherever the words "under the age of 21 years" appear in any law limiting the legal rights and abilities of persons under such age, such words shall be construed to mean under the age of 19 years.

"(d) Notwithstanding the provisions of subsection (c) of this section, nothing in this section shall be deemed
to repeal any provision of Chapter 19 of Title 15 of this code.

"(e) Notwithstanding the provisions of subsection (a), an honorably discharged veteran who is under the age of 19 shall be permitted to enter into a contract for the purchase of a motor vehicle.

"(f) No law, rule, or court order shall compel, either directly or indirectly, any person to provide post-minority education support, including, but not limited to, support for postsecondary education, to another person who has reached the age of majority, or otherwise has become self-sufficient or completed the 12th grade, whichever occurs first, unless the child is mentally or physically disabled at the age of 19 years."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.