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## I. STATEMENT OF POLICY

In Louisiana, the age of majority is eighteen years of age. Child support normally terminates when the child reaches the age of eighteen, or upon emancipation. LA Civil Code provides for three kinds of emancipation:

- judicial emancipation, (See [LA CC 366](#))
- emancipation by marriage, (See [LA CC 367](#)) and
- limited emancipation by authentic act. (See [LA CC 368](#))

When **\*\*\* \* court awards child support on a \*\*** per child **\*\*\* \* basis**, the award for each child shall terminate automatically without any action by the **noncustodial parent (NCP)** upon each child's attaining the age of majority, or upon emancipation.

When there is an inglobo child support award for two or more children, the award shall terminate automatically and without any action by the **nep** when the youngest child for whose benefit the award was made attains the age of majority or is emancipated.

**LA R.S. 9:315.22 exceptions** to child support ending:


- Age of majority extensions;
  - Full-time student (18 years old) in good standing at a secondary school and is dependent on either parent;
  - Developmentally disabled child (up to age 22);
  - Child placed under continuing tutorship by the court;
- Termination of parental rights (terminates ongoing support **before the child emancipates**);
- **Continuation of child support (as ordered by a court) for period suspended during incarceration (regardless of the child's emancipation).**

**The custodian must provide documentation prior to the timeframe identified below. If the custodian provides a court order that extends support after that timeframe, follow C-1310 to obtain guidance for continuing the support.**

Note: **When DCFS is involved in terminating parental rights, the termination \*\*** may not lead to an adoption. **\*\*\* \* However \*\***, the parent is no longer obligated to financially support the minor child.

### B-611 18 YEAR OLD

- [LA R.S. 9:315.22](#) provides for child support to continue to age nineteen for a child who attains the age of majority (or has been emancipated) if the child is unmarried, is dependent on either parent, **and** is a full-time student in good standing in a secondary school or its equivalent. Under this exception, child support may continue to age nineteen or until the child graduates, whichever occurs first.

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## **B-612 DEVELOPMENTAL DISABILITY**

An award of child support continues until age 22 for a child who has a developmental disability as long as the child is a full-time student in a secondary school. Developmental disability means a severe chronic disability of a person that is attributable to an intellectual or physical impairment or combination of intellectual and physical impairments. This can result in substantial functional limitations in three or more areas of life activity and is not attributed solely to mental illness.

## **B-613 CONTINUING TUTORSHIP**

CSE is permitted to accept applications for a child placed under continuing tutorship. A court may place a child under continuing tutorship if a child possesses less than two-thirds of the intellectual functioning of a person of the same age. In such cases, the child does not attain the age of majority and child support is continued until further order of the court. (Refer to LA Civil Code Article 355). Image the court order for continuing tutoring in OnBase.

## **B-614 ADULT DISABLED CHILD**

An award of child support may continue or shall be set for any unmarried child who, whether institutionalized or not, is incapable of self-support and requires substantial care and personal supervision because of an intellectual or physical disability that is manifested before the child attains the age of majority.


When the Department of Children and Family Services is providing support enforcement services, services will only continue if the major child, his tutor, or curator obtains **\* a judgment \*\* \*\*\*** before the child attains the age of majority, ordering continuation of support for the child. **\* The judgment to continue support must be submitted to DCFS to ensure services continue.** Otherwise, the support obligation will terminate upon the child attaining the age of majority. DCFS will not file the action or obtain a judgment for the continuation of support.

## **II. PROCEDURES**

### 18-Year-Old

The CP may request that child support continue when the child reaches the age of eighteen and is a full-time student in good standing in a secondary school. The CP must provide verification of school attendance for the eighteen-year-old.

LASES generates form [CSE 240](#) to the CP within six months of the child's emancipation to verify school attendance. The CP has until the child's graduation date or nineteenth birthday, whichever will occur first, to provide the completed [CSE 240](#) **for child support to continue \*\***. Upon receipt, staff should change the end-date of the court order and debt, in LASES, to correspond with the completed [CSE 240](#). LASES will generate form [CSE 242](#) to provide notice to the NCP to continue paying child support.

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\* LASES may close a case when the date of emancipation arrives. If the office receives the [CSE 240](#) before the child's nineteenth birthday or the graduation date and CAS1 shows the status as CLS or PCL, update the case and extend the debt accordingly. However, if the office receives the [CSE 240](#) from the custodial parent after the child's **19<sup>th</sup> birthday** or the graduation **\*\* \*\*\*** has passed, the case does not meet the criteria in [LA R.S. 9:315.22](#) for child support to continue. **Do not extend the debt in LASES.**

#### Developmental Disability

To verify developmental disability, LASES generates form CSE 240 within six months of the child's emancipation date to the CP for verification of school attendance and to request medical verification of the disability.

The CP has until the child's 18th birthday, to provide the completed [CSE 240](#) for child support to continue. Upon receipt of the [CSE 240](#) and medical verification, update the end-date of the debt (DBOU) to correspond to the information provided on the [CSE 240](#). LASES will generate form [CSE 242 Form](#) to provide notice to the NCP to continue paying child support.

#### Continuing Tutorship

The [CSE 240](#) notifies the CP of the requirement to obtain a judgment of continuing tutorship and attach a copy to the [CSE 240](#). The CP has until the child's 18th birthday, to provide the judgment for child support to continue. Upon receipt of the judgment, update LASES to correspond to the end date provided in the court order. LASES will generate the [CSE 242](#) to provide notice to the NCP to continue paying child support.

#### Adult Disabled Child


The [CSE 240](#) notifies the CP of the requirement to obtain a judgment and attach a copy to the [CSE 240](#). The CP has until the child's 18th birthday, to provide the judgment for child support to continue. **\*\*** Upon receipt of the judgment, update LASES to correspond to the end date provided in the court order. LASES will generate the [CSE 242](#) to provide notice to the NCP to continue paying child support.

### III. FORMS AND INSTRUCTIONS

[CSE 240 Request for Verification that Support Be Continued](#)  
[CSE 242 Notice to Continue Child Support for 18 year old](#)

### IV. REFERENCES

[Children's Code, Article 366](#)  
[Children's Code, Article 367](#)  
[Children's Code, Article 368](#)

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[LA R.S. 9:315.22](#)

LA Civil Code Article 355