

# Where Child Support Meets Special Needs

~

## A Survey of the Law in 2025

~~~~~

2025 National Conference on Special Needs  
Planning and Special Needs Trusts

Stetson University College of Law

October 23, 2025

### **Prepared and Presented By:**

Craig C. Reaves, CELA

Elder and Special Needs Law Attorney

**Complete Estate and Probate Law, LLC**

10401 Holmes Rd., Ste. 210, Kansas City, Missouri 64131

Telephone (816) 601-1234; Fax (816) 601-1237

email: [Craig@CompleteLawKC.com](mailto:Craig@CompleteLawKC.com)

## Table of Contents

|    |                                                                                                                                                     |    |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1. | Can a Parent Be Required to Support an Adult Child Who Has a Disability? . . .                                                                      | 3  |
| A. | The Common Law - Support of Minor Children . . . . .                                                                                                | 3  |
| B. | The Common Law - Support of Adult Children . . . . .                                                                                                | 4  |
| C. | The Law Today in the United States . . . . .                                                                                                        | 6  |
| D. | Duty Imposed on Divorced Parents Does Not Violate the Constitution . .                                                                              | 8  |
| E. | Agreements to Continue Child Support for Adult Child Will Be Honored .                                                                              | 9  |
| 2. | Can a Parent be Required to Pay Child Support For An Adult Child Who<br>Was Not Disabled Before Reaching Majority Age or Becoming Emancipated?      | 10 |
| A. | Definitions of Emancipation . . . . .                                                                                                               | 10 |
| B. | The Emancipation Rationale . . . . .                                                                                                                | 13 |
| C. | Statutes Imposing Duty to Support Adult Child . . . . .                                                                                             | 19 |
| 3. | Must Legal Action to Request Child Support for an Adult Child Be<br>Commenced Before the Child Reaches Majority Age? . . . . .                      | 20 |
| A. | Courts are Split . . . . .                                                                                                                          | 20 |
| B. | State Statutes Addressing This Question. . . . .                                                                                                    | 21 |
| C. | Who Has Standing to Sue Parent for Child Support. . . . .                                                                                           | 22 |
| 4. | Can Public Benefits a Child Is Receiving Be Used to Offset or<br>Reduce a Parent's Contemporaneous Obligation to Pay Child Support? . . . .         | 23 |
| A. | Social Security . . . . .                                                                                                                           | 23 |
| B. | How Social Security Received by a Child is Treated . . . . .                                                                                        | 25 |
| C. | Supplemental Security Income. . . . .                                                                                                               | 26 |
| 5. | Can Trust Assets or Income be Used to Offset or Reduce a Parent's<br>Child Support Obligation Owed to a Child Who is a Beneficiary of the Trust? .  | 27 |
| A. | Cases Holding Trust Assets Do Not Reduce<br>Obligor Parent's Child Support Obligation . . . . .                                                     | 27 |
| B. | Statute Excluding Trust Distributions for Child From Calculation of<br>Parent's Child Support Obligation Owed to the Child. . . . .                 | 30 |
| C. | Cases Holding Trust Distributions Can be Offset Against<br>Obligor Parent's Child Support Obligation . . . . .                                      | 30 |
| 6. | Can Child Support Payments be Made Directly to a Child's Special<br>Needs Trust to Avoid Reduction of the Child's SSI or Medicaid Benefits? . . . . | 32 |
| A. | The Problem - Child Support is "Income" . . . . .                                                                                                   | 32 |
| B. | The Solution - Child Support Ordered to be Paid Direct to Trust . . . . .                                                                           | 32 |
| C. | What the POMS Says . . . . .                                                                                                                        | 32 |
| D. | State Statutes Allowing This. . . . .                                                                                                               | 33 |
| 7. | Can a Special Needs Trust Be Garnished for Unpaid Child Support<br>Owed by the Trust's Beneficiary? . . . . .                                       | 33 |

|            |                                                                                                                                                                            |    |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| A.         | Recent Case Applying Florida's Version of U.T.C. § 503 to a Self-Settled Special Needs Trust. . . . .                                                                      | 34 |
| B.         | Uniform Trust Code § 503 . . . . .                                                                                                                                         | 34 |
| C.         | Oklahoma Statutes . . . . .                                                                                                                                                | 36 |
| 8.         | Does it Violate the Sole Benefit Rule if a Self-Settled Special Needs Trust Directly Pays the Child Support Obligation Owed by the Trust's Beneficiary? .                  | 37 |
| A.         | What is the Sole Benefit Rule?. . . . .                                                                                                                                    | 38 |
| B.         | There is No Official Guidance . . . . .                                                                                                                                    | 39 |
| C.         | Arguments This Does Not Violate the Sole Benefit Rule . . . . .                                                                                                            | 39 |
| 1)         | Sole Benefit Rule Has Been Modified . . . . .                                                                                                                              | 39 |
| 2)         | Beneficiary Benefits from Payment of Child Support Obligation .                                                                                                            | 40 |
| 3)         | No Federal Law Prohibits Distribution to Pay Child Support . . . .                                                                                                         | 40 |
| 4)         | POMS Allows Payment from a Trust to a Beneficiary's Creditor .                                                                                                             | 40 |
| 9.         | Do Distributions from a Special Needs Trust Count as Income to a Trust Beneficiary When Calculating How Much Child Support the Trust Beneficiary Owes? . . . . .           | 41 |
| A.         | <i>Mazyk v. Cozze</i> , 2012 WL 6115682 (N.J.Super.A.D. 2012). . . . .                                                                                                     | 41 |
| B.         | <i>Myers v. Myers</i> , 2006-Ohio-5360, 2006 WL 2925353 (Ohio App. 6 Dist. 2006). . . . .                                                                                  | 41 |
| C.         | <i>Mencer v. Ruch</i> , 928 A.2d 294 (Pa.Super. 2007 . . . . .                                                                                                             | 42 |
| D.         | <i>In re Ramsey County ex rel. Pierce County, Wis.</i> , 645 N.W.2d 747 (Minn.App. 2002). . . . .                                                                          | 42 |
| Appendix A | <u>Child Support For Adult Disabled Child</u> - Summary of Cases and Statutes in 50 States Plus District of Columbia That Answer Questions Posed in the Accompanying Paper |    |
| Appendix B | <u>Special Needs Trusts and Child Support</u> - Summary of Cases and Statutes in 50 States Plus District of Columbia That Answer Questions Posed in the Accompanying Paper |    |

# **Where Child Support Meets Special Needs**

~

## **A Survey of the Law in 2025**

Written and Presented by  
Craig C. Reaves, CELA  
Kansas City, Missouri

This paper is an update to a paper written by the author in 2013 and presented that Fall at the Stetson University College of Law National Conference on Special Needs Trusts. It is accompanied by two spreadsheets that address the questions posed below for every State in the United States plus the District of Columbia, plus they contain citations to relevant cases and statutes for each State.

It has been an interesting process to update these materials and see what has changed over a twelve year period. Overall, the trend of these changes is encouraging. Generally, legislatures and courts have taken steps to clarify and strengthen what adult children who have a disability are entitled to receive from parents who are responsible for paying child support. Some of the questions left dangling in 2013 have been addressed, and some new questions have appeared.

While much work and time has been invested in research for this paper, and the goal of everyone involved was to make it as current and accurate as possible,<sup>1</sup> it would not surprise any of us if there are new statutes and cases that are not mentioned in the attached spreadsheets. The law is an ever flowing river and we dipped into it earlier this year to catch what we could as it relates to the topic of this paper. The author welcomes gentle and helpful corrections, clarifications, and additions.

---

<sup>1</sup> Needless to say, this paper required a lot of research to gather all of the information contained in the accompanying spreadsheet. For the work of updating this information in 2025, the author would like to thank Professor Rebecca C. Morgan at Stetson University College of Law, and the following students for their assistance with research for this paper: from Stetson University School of Law - Rachel A. Steinke, Elizabeth A. Campbell, Kylie L. Kempe, and Megan D. Lynch, and from the University of Missouri - Kansas City School of Law, John View.

The questions addressed in these materials are:

1. Can a parent be required to pay child support for an adult child who has a disability?
2. If so, can a parent be required to pay child support for an adult child who was not disabled before reaching majority age or becoming emancipated?
3. Must legal action to request child support for an adult child be commenced before the child reaches majority age?
4. If a parent is required to pay child support, can public benefits the child is receiving be used to offset or reduce the parent's contemporaneous obligation to pay child support?
5. Can trust assets or income be used to offset or reduce a parent's child support obligation owed to a child who is a beneficiary of the trust?
6. Can child support payments be made directly to a child's special needs trust to avoid reduction in the child's SSI or Medicaid benefits?
7. Can a special needs trust be garnished for unpaid child support owed by the beneficiary of the trust?
8. Does it violate the sole benefit rule if a self-settled special needs trust directly pays the child support obligation owed by the beneficiary of the trust?
9. Do distributions from a special needs trust count as income to a trust beneficiary when calculating how much child support the trust beneficiary owes?

As should be expected, the answers to these questions differs among the States, and many States have not dealt with all of these questions yet. Despite this, there are apparent

trends across the States. Also, since 2013 there have been quite a few statutes adopted, along with a few court cases, that address these questions.

So, let us begin. The first question addressed is:

## **1. Can a Parent Be Required to Support an Adult Child Who Has a Disability?**

The answer to this question begins in the common law of England and America.

As Judge Prettyman stated, the term “common law” means “a system of law not formalized by legislative action, not solidified but capable of growth and development at the hands of judges.” *Linkins v. Protestant Episcopal Cathedral Found.*, 87 U.S.App.D.C. 351, 354–55, 187 F.2d 357, 360–61 (1950).<sup>2</sup>

### **A. The Common Law - Support of Minor Children**

From the earliest of times it has been agreed that parents have a duty to support their minor children. Sir William Blackstone in his *Commentaries of the Laws of England* (1765 - 1769) said, “The duty of parents to provide for the maintenance of their children is a principle of natural law; an obligation...laid on them not only by nature herself, but by their own proper act, in bringing them into the world. ... By begetting them, therefore, they have entered into a voluntary obligation to endeavor, as far as in them lies, that the life which they have bestowed shall be supported and preserved.”<sup>3</sup>

In America, James Kent<sup>4</sup> in his *Commentaries on American Law* (1826 - 1830) wrote, “The wants and weaknesses of children render it necessary that some person maintains them,

---

<sup>2</sup> Nelson v. Nelson, 548 A.2d 109, 112 (D.C. 1988).

<sup>3</sup> 1 BLACKSTONE’S COMMENTARIES, Ch. 16, I, 1.

<sup>4</sup> James Kent was the first Professor of Law at Columbia College and Chief Justice of the New York Supreme Court in the early 1800's. Quoting from Wikipedia, "His *Commentaries on American Law* (based on lectures first delivered at Columbia in 1794, and further lectures in the 1820s) became the formative American law book in the antebellum era (published in 14 editions before 1896) and also helped establish the tradition of law reporting in America. He is sometimes called the "American Blackstone". See [https://en.wikipedia.org/wiki/James\\_Kent\\_\(jurist\)](https://en.wikipedia.org/wiki/James_Kent_(jurist)).

and the voice of nature has pointed out the parents as the most fit and proper persons. The laws and customs of all nations have enforced this plain precept of universal law. ... The obligation on the part of the parent to maintain the child continues until the latter is in a condition to provide for its own maintenance, and it extends no further than to a necessary support. The obligation of parental duty is so well secured by the strength of natural affection, that it seldom requires to be enforced by human laws. According to the language of Lord Coke, it is 'nature's profession to assist, maintain, and console the child.' ... The father is bound to support his minor children, if he be of ability, even though they have property of their own;..."<sup>5</sup>

## **B. The Common Law - Support of Adult Children**

But what about adult children? Is there a duty imposed on a parent to support an adult child?

Blackstone's answer was, "No person is bound to provide a maintenance for his issue, unless where children are impotent and unable to work, either through infancy, disease, or accident; and then is only obliged to find them with necessaries..."<sup>6</sup>

However, despite Blackstone's commentary, it was statutory law that formed the basis for a parent's responsibility to support an adult child in England. And this responsibility was based on the need to control paupers and vagrants, not on the natural laws of a parent caring for a child.

The Elizabethan Poor Law, found in 43 Elizabeth 1, Chapter 2 (1601), established the laws for relief of the poor and became the foundation of American common laws relating to welfare and family relations. It firmly established the principle that it is the public's responsibility to maintain those who are destitute, not just the responsibility of the church and religious organizations. This law came about because the religious institutions that had assumed this responsibility in the past were losing their power and wealth and, as a result, their ability to properly care for the poor. While consolidating more power in the central

---

<sup>5</sup> 2 KENT ON AMERICAN LAW, Lecture 29.

<sup>6</sup> 1 BLACKSTONE'S COMMENTARIES, Ch. 16, I, 1.

government, this law delegated most authority and decision making to the local governments and communities. It built on and supplemented existing programs run by religious organizations and local communities. It also helped establish the government as the more powerful entity and provide another reason for taxes to be levied.<sup>7</sup>

The court in *Pocialik v. Federal Cement Tile Co.*, 97 N.E.2d 360, 362-363 (Ind.App. 1951) *en banc*, described the early English law this way:

Appellants argue that by the common law of England there was a duty upon parents to support their defective adult children. We find, however, that the common law of England did not so provide prior to the settlement of Jamestown, nor did it so provide over three centuries later. The only obligation was that which might be imposed under the statute of 43rd Elizabeth, ch. 2, entitled, 'An Acte for the Releife of the Poore.' Section 6 thereof provides: 'And be it further enacted, That the Father and Grandfather, and the Mother \*\*363 and Grandmother, and the Children of everie poore olde blind lame and impotente person, or other poore person not able to worke, beinge of a sufficient abilitie, shall at their owne Chardges releive and maintaine everie such poore person, in that manner and accordinge to that rate, as by the Justices of the Peace of that Countie where such sufficient persons dwell, or the greater number of them, at their generall Quarter Sessions shalbe assessed; upon paine that everie one of them shall forfeite Twentie shillings for everie monethe whiche they shall faile therein.' Under this statute an assessment and order of the justices was a condition precedent to the existence of any liability at all. *Coldingham Parish Council v. Smith*, 1918, 2 King's Bench Division 90; *Borchert v. Borchert*, 1946, 185 Md. 586, 45 A.2d 463, 162 A.L.R. 1078; *Eversley, The Law of Domestic Relations*, p. 515 (London 2d ed. 1896).<sup>8</sup>

The concept of a parent's responsibility to support an adult child so the child does not become a pauper was carried over to America. James Kent described it this way,

---

<sup>7</sup> For an excellent description of the development of the English common law, see Jacobus tenBroek, CALIFORNIA'S DUAL SYSTEM OF FAMILY LAW: ITS ORIGIN, DEVELOPMENT AND PRESENT STATUS, PART I, 16 Stan. L. Rev. 257 (March 1964). See also *In re Marriage of Cady & Gamick*, 105 Cal. App. 5th 379, 392, 325 Cal. Rptr. 3d 856 (2024)(contains a summary of the history of Elizabethan poor laws and how it was incorporated into laws across the United States).

<sup>8</sup> *Pocialik v. Federal Cement Tile Co.*, 97 N.E.2d 360, 362-363 (Ind.App. 1951) *en banc*.

The legal obligation of the father to maintain his child, ceases as soon as the child is of age, however wealthy the father may be, unless the child becomes chargeable to the public as a pauper.”<sup>9</sup>

In 2 Kent's Commentaries on American Law (1884) 190, it is stated: “The wants and weaknesses of children render it necessary that some person maintains them, and the voice of nature has pointed out the parent as the most fit and proper person. The laws and customs of all nations have enforced this plain precept of universal law. \* \* \* The obligation on the part of the parent to maintain the child continues until the latter is in a condition to provide for its own maintenance \* \* \*.”<sup>10</sup>

Early American courts saw a distinction between English common law and the Americanized version of common law that evolved in the United States. Whereas in England the duty of a parent to support a child was based on statutes to prevent the child from being a pauper (and, thus, cause the government and religious organizations to spend money to maintain), in America it was based on something else. For example, in 1886 the Iowa Supreme Court said,

The obligation of parents to support their children at common law is somewhat uncertain, ill defined, and doubtful. Indeed, it has been said that there is no such obligation. *Mortimore v. Wright*, 6 Mees. & W. 488. But we are not prepared to say that this rule has been adopted in this country, and it should be conceded, we think, that, independent of any statute, parents are bound to contribute to the support of their minor children,....<sup>11</sup>

### **C. The Law Today in the United States**

In addition to supporting minor children, most courts in the United States today also find that a parent has a duty to support an adult child who is unable (as opposed to unwilling) to self-support. These decisions are based on either the court's interpretation of an applicable statute or the common law. The reasons normally employed to justify this view

---

<sup>9</sup> 2 Kent on American Law, Lecture 29.

<sup>10</sup> *Castle v. Castle*, 473 N.E.2d 803, 806 (Ohio 1984)(quoting from 2 Kent Commentaries on American Law).

<sup>11</sup> *Johnson v. Barnes*, 29 N.W. 759 (Iowa 1886).

revolve around the child being so disabled that he or she is not capable of adequate self-support.

One of the earliest cases in the United States concerning the duty of a parent to provide for an adult child with a disability was *Cromwell v. Benjamin*, 41 Barb. 588 (N.Y.Sup.Ct. 1863). In this case the court compared the duty of a father to his minor and “invalid” adult child to the same duty a husband owes to his wife.<sup>12</sup> The court found the father to be liable to the owner of a store that provided necessities to his wife, minor son and adult daughter who, “although a few years past her majority, was unmarried and a member of his family, and who, as appeared by testimony in the case, was an invalid unable to support herself by her labor.” *Cromwell*, *Id.* at 41.

Carrying on the English common law requirement that a parent may be held responsible for the support of an adult child to prevent the child from becoming a pauper, many courts and statutes define “disability” in the context of an adult child’s inability to adequately self-support. This was described in *Ex parte Cohen*, 763 So.2d 253 (Ala. 1999) as,

Other courts have defined “disability” in economic terms, i.e., as an adult child’s inability to adequately provide for his or her economic needs because of a mental or physical infirmity. See, e.g., *Presley v. Presley*, 65 Md.App. 265, 500 A.2d 322 (1985), in which the court held that an adult child who was mildly retarded and who was able to earn only \$14,200 per year was disabled within the meaning of the Maryland statute and therefore was entitled to support from her noncustodial parent. The *Presley* court stated that the duty of support arises “when the child has insufficient resources and, because of mental or physical infirmity, insufficient income capacity to enable him to meet his reasonable living expenses.” 65 Md.App. at 277, 500 A.2d at 328. See, also, \*256 *Hanson v. Hanson*, 425 Pa.Super. 508, 625 A.2d 1212 (1993), holding that whether a court was to order support for a disabled adult child

---

<sup>12</sup> “It is a settled principle in the law of husband and wife, that by virtue of the marital relation, and in consequence of the obligations assumed by him upon marriage, the husband is legally bound for the supply of necessities to the wife, so long as she does not violate her duty as wife; that is to say, so long as she is not guilty of adultery or elopement. The husband may discharge this obligation by supplying her with necessities himself or by his agents, or giving her an adequate allowance in money, and then he is not liable to a tradesman who, without his authority, furnishes her with necessities; but if he does not himself provide for her support, he is legally liable for necessities furnished to her by tradesmen, even though against his orders. (2 Smith’s Lead. Cas. 440.)” *Cromwell v. Benjamin*, 41 Barb. 588 (N.Y.Sup.Ct. 1863) at 588.

depended on whether the child was physically and mentally able to engage in profitable employment and whether such employment was available to that child at wages upon which the child could support herself. The Hanson court held that a child who because of her handicaps was able to earn only \$2,850 annually was entitled to postminority support.<sup>13</sup>

A Missouri court ruled in *Mason v. Mason*<sup>14</sup> that whether a child was disabled sufficiently to trigger a child support obligation was based on the child's ability to earn a living. In this case the court held that the applicable statute (Rev. Stat. Mo. § 452.340) required that the child's disability "must actually render the child unable to earn a living in any type of job." The court concluded that the child's "lack of commitment towards college or employment would, therefore, not in and of itself, signal that the child has special needs requiring extraordinary support." *Mason, Id.* at 637.

In some states, filial support laws are used to impose an obligation on a parent to support an adult child who is unable to support himself.<sup>15</sup> For example, in *Sininger v. Sininger*, 479 A.2d 1354 (Md. 1984) the Maryland Supreme Court applied such a statute when it ruled that a parent had a duty to support an adult child even though the child became disabled after being emancipated. The current version of this statute is MD Code, Family Law § 13-102 (2024) which says, "(a) If a destitute adult child is in this State and has a parent who has or is able to earn sufficient means, the parent may not neglect or refuse to provide the destitute adult child with food, shelter, care, and clothing." It goes on to say, "(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both."

#### **D. Duty Imposed on Divorced Parents Does Not Violate the Constitution**

A court order requiring a parent to financially support an adult child is normally imposed only on parents who have divorced. Some divorced parents have argued that this is a violation of their Constitutional equal protection rights because divorced parents are being

---

<sup>13</sup> Ex parte Cohen, 763 So.2d 253, 255-256 (Ala. 1999)

<sup>14</sup> *Mason v. Mason*, 873 S.W.2d 631 (Mo.App.E.D. Div. 3 1994).

<sup>15</sup> *E.g.*, *Carpy v. Carpy*, No. A135261 (Cal.App. 1st Dist. Div.1 August 28, 2013)(Held duty imposed on parent by Cal. Fam. Code § 3910 continues after parent's death).

treated differently than parents who are married. This argument has consistently been rebuffed by the courts.<sup>16</sup>

The rationale legislatures and courts often use to require a divorced non-custodial parent to pay money towards the support of his or her children is as follows: When parents divorce, the children of the marriage usually live primarily with one parent (the “custodial parent”) while the other parent (the “non-custodial parent”) lives elsewhere. If the non-custodial parent does not pay money back into the custodial household, through alimony or maintenance to the former spouse and/or child support, the children are deprived of the income and other financial support that the non-custodial parent would have brought into the household if the divorce had not occurred. So the purpose of requiring the non-custodial parent to pay child support is so that the children receive an amount of financial support that is similar to what the children would have experienced had the parents not divorced.

#### **E. Agreements to Continue Child Support for Adult Child Will Be Honored**

Divorced parents can always agree that child support will continue to be paid for an adult child. This would typically occur in the Separation Agreement or Decree of Divorce entered into by the parents when the divorce was finalized. The author did not find one case that invalidated such an agreement between the divorcing parents. On the contrary, some statutes<sup>17</sup> and many cases<sup>18</sup> refer to the parents’ ability to enter into such an agreement.

---

<sup>16</sup> *E.g.*, *Hanratty v. Hanratty*, A10-1346, 2001 WL 891178 (Minn.App. 2011); *Bailey v. O'Hare*, 2006 WL 164917, 2006-Ohio-239 (Ohio App. 2 Dist. 2006); *Riggs v. Riggs*, 578 S.E.2d 3 (S.C. 2003); *Childers v. Childers*, 575 P.2d 201 (Wash. 1978).

<sup>17</sup> *E.g.*, Colorado - C.R.S. § 14-10-115(13)(a) (“For child support orders entered on or after July 1, 1997, unless a court finds that a child is otherwise emancipated, emancipation occurs and child support terminates without either party filing a motion when the last or only child attains nineteen years of age unless one or more of the following conditions exist: (I) The parties agree otherwise in a written stipulation after July 1, 1997.”).

Fla. Stat. Ann. § 61.13(1)(a)1.a (child support terminates on a child's 18th birthday unless . . . “continued support is otherwise agreed to by the parties.”).

Ohio Rev. Code Ann. § 3119.86(A)( “The duty of support to a child imposed pursuant to a court child support order shall continue beyond the child's eighteenth birthday only under the following circumstances:...(2) The child's parents have agreed to continue support beyond the child's eighteenth birthday pursuant to a separation agreement that was incorporated into a decree of divorce or dissolution.”).

It is when such an agreement does not exist that the courts are required to look to the governing statutes, case law, or the common law to justify forcing the non-custodial parent to continue paying child support for an adult child.

## **2. Can a Parent be Required to Pay Child Support For An Adult Child Who Was Not Disabled Before Reaching Majority Age or Becoming Emancipated?**

Another way to ask this question is, can a parent be required to pay child support for an adult child who did not have a disability when the child reached majority age or became emancipated, but later became disabled?

Of the courts that have considered this question, the majority have ruled that an adult child must have incurred his or her disability before the child reaches the age of majority or is otherwise emancipated. For example, the Arkansas Supreme Court said, "We have held the duty to support a child does not cease at majority *if* the child is mentally or physically disabled in any way *at* majority and needs support." *Towery v. Towery*, 685 S.W.2d 155, 157 (Ark. 1985) (emphasis in original).

### **A. Definitions of Emancipation**

The words used to describe the time when a parent's duty to support a child stops is "emancipation," and when the child is "emancipated." The age of majority adopted by the

---

La. Rev. Stat. § 9:315.22.D(3) ("Nothing in this Subsection shall limit a parent's ability to agree to provide continued support or the court's power to determine whether an agreement to provide additional support has been made").

See *also*, M.C.L.A § 552.605b(5) (Michigan); N.D. Cent. Code Ann. § 14-09-08.2.6.

<sup>18</sup> *E.g.*, Penny v. Penny, 785 So.2d 376, 378 (Ala.Civ.App. 2000) "In Alabama, the general rule is that a trial court has no jurisdiction to require a parent to provide support for a child who has reached the age of majority. See *Beavers v. Beavers*, 717 So.2d 373 (Ala.Civ.App.1997). *Whitten v. Whitten*, 592 So.2d 183 (Ala.1991). However, there are exceptions to the general rule. The first exception is where the noncustodial parent has agreed to provide support for the child past the age of majority." (emphasis added); *O'Connor v. O'Connor*, 594 N.E.2d 1081 (Ohio App. Tenth Dist. Franklin County 1991).

state is typically the starting point for this. In most states, this age is 18,<sup>19</sup> although in some states the age is later for child support purposes.<sup>20</sup> When a child is deemed to be “emancipated” can happen before or after the age of majority if certain circumstances occur.

Many courts have addressed the issue of whether a child under the age of majority is emancipated for child support purposes. One of the more colorful descriptions comes from the Illinois Supreme Court in the 1920 case of *Iroquois Iron Co. v. Industrial Commission*. Here the court said,

Generally speaking, when a child arrives at the age of majority the parent is no longer under legal obligation to support him. On the other hand, the parent is usually under a legal obligation to support his minor children. When a child who is physically and mentally able to take care of himself voluntarily abandons the parental roof and leaves its protection and influence and goes out to fight the battle of life on his own account, the parent is no longer under legal obligation to support him. [citation omitted] If a boy has attained an age at which he is capable of supporting himself, neither justice, reason, nor the law requires the parent to maintain him in idleness. Emancipation is inferred where the child contracts for his services and collects and uses his own earnings. [citation omitted] . . . Emancipation works a severance of the filial relation as completely as if the child were of age. Whether there has been an emancipation is a question of fact, but what is emancipation is a question of law.<sup>21</sup>

All states have statutes requiring a non-custodial parent to pay child support for a minor child until a time when it is no longer deemed necessary, *i.e.*, when the child is

---

<sup>19</sup> The states that do not use age 18 for the age of majority are: Alabama (Ala. Code § 26-1-1(a)) (age 19); Nebraska (Neb. Rev. Stat. § 43-2101)(age 19); Mississippi ( Miss. Code Ann. § 1-3-27 ("The term "minor," when used in statute, except as otherwise provided by law, shall include any person, male or female, under twenty-one (21) years of age. If a statute refers to the ability to enter into a contract affecting personal property or real property, "minor" shall mean any person, male or female, under eighteen (18) years of age."));

<sup>20</sup> *E.g.*, Colo. Rev. Stat. § 14-10-115(13) (age 19); D.C. Code § 46-101(age 21, which is based on common practice in court, not explicitly in this code section); Ind. Code § 31-16-6-6(a)(age 19); MD Code, General Provisions, § 1-401 (age 19); N.Y. Fam. Ct. Act § 413(1)(a)(age 21)

<sup>21</sup> *Iroquois Iron Co. v. Indus. Comm'n*, 294 Ill. 106, 108-109, 128 N.E. 289, 290 (Ill. 1920)

“emancipated.” State statutes use different definitions of emancipation, but they generally deem a minor child under the age of majority to not be emancipated.

However, there are exceptions to this. Some of these are if the child has married,<sup>22</sup> joined the military,<sup>23</sup> is convicted of certain crimes,<sup>24</sup> or permanently left the parental home and becomes self-supporting.<sup>25</sup> Some state statutes move the emancipation date out to ages ranging from nineteen to twenty-six if the child is attending some type of school.<sup>26</sup> And some state statutes continue to treat an adult child as not being emancipated if the child has a disability and, as a result, cannot self-support.<sup>27</sup>

---

<sup>22</sup> *E.g.*, Colorado - C.R.S § 14-10-115(13)(a)(IV) (“If the child marries, the child shall be considered emancipated as of the date of the marriage. If the marriage is annulled, dissolved, or declared invalid, child support may be reinstated.”); Indiana - Ind. Code § 31-16-6-6(b)(2); South Dakota - SDCL § 25-5-24(1) (“Has entered into a valid marriage, whether or not such marriage was terminated by dissolution”).

<sup>23</sup> *E.g.*, Colorado - C.R.S § 14-10-115(13)(a)(V) (“If the child enters into active military duty, the child shall be considered emancipated.”); Ind. Code § 31-16-6-6(b)(1); Va. Code Ann. § 16.1-333(i); SDCL § 25-5-24(2) (“Is on active duty with any of the armed forces of the United States of America”).

<sup>24</sup> Mississippi - Miss. Code Ann. § 93-11-65(8)(a)(iv) (“Is convicted of a felony and is sentenced to incarceration of two (2) or more years for committing such felony”).

<sup>25</sup> *E.g.*, Va. Code Ann. § 16.1-333(ii).

<sup>26</sup> *E.g.*, Arizona - A.R.S. § 25-320.F (“If a child reaches the age of majority while the child is attending high school or a certified high school equivalency program, support shall continue to be provided during the period in which the child is actually attending high school or the equivalency program but only until the child reaches nineteen years of age unless the court enters an order pursuant to subsection E of this section.”); Ark. Code Ann. 9-12-312(a)(5)(A) (“The court may provide for the payment of support beyond the eighteenth birthday of the child to address the educational needs of a child whose eighteenth birthday falls prior to graduation from high school so long as such support is conditional on the child remaining in school.”); Colorado - C.R.S. § 14-10-115(13)(a) (“For child support orders entered on or after July 1, 1997, unless a court finds that a child is otherwise emancipated, emancipation occurs and child support terminates without either party filing a motion when the last or only child attains nineteen years of age unless one or more of the following conditions exist: (III) If the child is still in high school or an equivalent program, support continues until the end of the month following graduation. A child who ceases to attend high school prior to graduation and later reenrolls is entitled to support upon reenrollment and until the end of the month following graduation, but not beyond age twenty-one.”); Illinois - 750 Ill. Comp. Stat. Ann. § 5/513; Indiana - Ind. Code § 31-6-6-6(a); Mass. Gen. Laws ch. 208 § 28; W.Va. Code § 48-103(b).

<sup>27</sup> *E.g.*, Arizona - A.R.S. § 25-320.E. (“Even if a child is over the age of majority when a petition is filed or at the time of the final decree, the court may order support to continue past the age of majority if all of the following are true: 1. The court has considered the factors prescribed in subsection D of this section. 2. The child is severely mentally or physically disabled as demonstrated by the fact that the child is unable to live independently and be self-supporting. 3. The child's disability began before the child reached the age of majority.”).

## B. The Emancipation Rationale

Whether there is a statute on point or not, many courts have determined that a child has never been emancipated, no matter what the age of the child, because of the child's disability. This is referred to as the "emancipation rationale," which has been described as "the duty to support a disabled child into adulthood continues because the disability prevents the child from ever becoming emancipated. The reasoning is that because the child is incapable of emancipation, he remains a minor and the obligation continues until the condition changes. \*\*\*once a child becomes an emancipated adult the obligation of parental support cannot be resumed.\*\*\* The fact that the child was incapacitated during his minority is crucial to the emancipation rationale." *Sininger v. Sininger*, 479 A.2d 1354, 1356-1357 (Md. 1984).

This rationale was expanded in the case of *Casdorph v. Casdorph*, 460 S.E.2d 736 (W.Va. 1995) where the West Virginia Supreme Court faced the question of "whether a parent has

---

Ark. Code Ann. § 9-12-312(a)(5)(B) ("The court may also provide for the continuation of support for an individual with a disability that affects the ability of the individual to live independently from the custodial parent.").

Cal. Fam. Code § 3910(a) ("Each parent of a child has an equal responsibility to maintain, to the extent of their ability, their child of whatever age who is incapacitated from earning a living and without sufficient means.").

Colorado - C.R.S § 14-10-115(13)(a)(III) ("If the child is mentally or physically disabled, the court or the delegate child support enforcement unit may order child support, including payments for medical expenses or insurance or both, to continue beyond the age of nineteen;").

Conn. Gen. Stat. Ann. § 46b-84(c) ("The court may make appropriate orders of support of any child with intellectual disability, as defined in section 1-1g, or a mental disability, as defined in section 46a-51, or who is physically disabled, as defined in section 46a-51, who resides with a parent and is principally dependent upon such parent for maintenance until such child attains the age of twenty-one. . . .").

See also, Fla. Stat. Ann § 743.07; Ga. Code Ann. § 19-6-15.1; H.R.S. § 580-47(a); 750 Ill. Comp. Stat. Ann. 5/513.5(a); Ind. Code § 31-16-6-6(a)(2); Iowa Code Ann. § 598.1(9); Ky. Rev. Stat. Ann. § 405.020(2); La. R.S. § 9:315.22.1; Md. Code, Family Law § 13-101; Minn. Stat. § 518A.26.5; Rev. Stat. Mo. § 452.340.4; Nev. Rev. Stat. § 125B.110; N.J. Stat. Ann. § 2A:34-23.a; N.Y. Fam. Ct. Act § 413-b (but only until age 26); Ohio Rev. Code. § 3119.11; 43 Okla. Stat. § 112.1A.B; 23 Pa. C.S. § 4321(3); R.I. Gen. Laws § 15-5-16.2(b); S.C. Code Ann. § 63-3-530(A)(17); Tenn. Code Ann. § 36-5-101(k); Texas Fam. Code § 154.001(a)(4); Utah Code Ann. § 81-6-101(7)(c) and § 81-6-104(1); Va. Code Ann. § 20-124.2.C and § 16.1-278.15.A; W. Va. Code § 48-11-102(b); Wyo. Stat. Ann. § 14-2-204(a)(i).

a duty to support a child who becomes disabled subsequent to reaching the age of majority where the child has continually remained dependent upon either one or both parent(s) since attaining the age of majority.” *Casdorph*, *Id.* at 740.

After discussing the concept of “emancipation,” the *Casdorph* court concluded that since the child had never married nor moved out on her own and she remained dependent on her mother for support after she reached the age of majority until the time of the automobile accident that caused her disability, she was really never “emancipated” and, therefore, the father had a continuing duty to support her. It was other factors, not the disability, that caused the child to not be emancipated.

The *Casdorph* court laid out an emancipation rationale roadmap for courts to use when trying to determine if a child has been emancipated:

In making the determination of whether a disabled child was emancipated at the time the disability occurred, the trial court should examine the facts and circumstances of each case, giving consideration to the following factors, as well as any others germane to the issue of emancipation: 1) whether the child continually resided in the home of one of his/her parents; 2) whether the child continually remained dependent on his/her parent(s) for financial support; and 3) whether the child has ever married. Furthermore, prior to awarding post-majority child support, the trial court should first determine that the child, after the onset of the mental and/or physical disability, remains unemancipated.<sup>28</sup>

The Arkansas Supreme Court applied the emancipation rationale in *Towery v. Towery*, 685 S.W.2d 155 (Ark. 1985), although the result was no child support was ordered to be paid because the child became disabled after he was emancipated. While firmly supporting the idea that a parent owes a duty of support to a child until the child is emancipated, even if the child is over the age of majority, the court concluded that the child became disabled after he was emancipated and, therefore, the father could not be held liable for child support unless there was a statute that imposed such a duty. Similar results were reached in *Pocialik v. Federal Cement Tile Co.*, 121 Ind.App. 11, 97 N.E.2d 360 (1951), *Breuer v. Dowden*, 207 Ky. 12, 268 S.W. 541 (1925), and *Keenan v. Keenan*, 440 So.2d 642, 645

---

<sup>28</sup> *Casdorph v. Casdorph*, 460 S.E.2d 736, 742 (W.Va. 1995).

(Fla.App. 5 Dist.1983) (where the court said, “While we firmly believe that parents, divorced or undivorced should provide their children with as much formal education as each child can absorb and the parents can afford, this court cannot create a *legal duty* to do so where none exists. That power rests in the legislature.”(emphasis in original)).

If a state does not have a statute that imposes a duty to support an adult child with a disability, then the courts will either hold that the non-custodial parent does not have to continue financially supporting an adult child who has a disability, or the court will find such a duty to support an adult child in the common law of the State, often by pointing out that in the State’s child support statute the word “child” is not defined by age.

For an example of a court finding the latter, consider *Ex parte Brewington*, 445 So.2d 294, (Ala. 1963) where the Alabama Supreme court said,

Although we appreciate the decision of the Court of Civil Appeals which follows the general rule announced in *Reynolds*, supra,<sup>29</sup> this Court concludes that the decision of the trial court is the result which accords with the legislature's intent in this instance. To the extent that *Reynolds*, supra, is inconsistent with this holding, it is specifically overruled.

An analysis of the Alabama cases reveals that *Reynolds*-type decisions were based on the position that, absent a statute or agreement, no common-law authority existed to impose upon a non-custodial parent the obligation to support his adult child. However, the majority trend is to recognize an exception to this rule when the adult child is so mentally and/or physically disabled as to be unable to support himself. See e.g. *Kruvant v. Kruvant*, 100 N.J.Super. 107, 241 A.2d 259 (1968); *Fincham v. Levin*, 155 So.2d 883 (Fla.App.1963); *Wells v. Wells*, 227 N.C. 614, 44 S.E.2d 31 (1947); *O'Malley v. O'Malley*, 105 Pa.Super. 232, 161 A. 883 (1932).

The Court in *Reynolds* based part of its decision on *Murrah v. Bailes*, 255 Ala. 178, 50 So.2d 735 (1951), which held that the term “children” as used in § 30-3-1 was clearly meant to apply only to minor children. The statute, however, does not express such a limitation, and such a narrow interpretation is unacceptable. In the frame of reference of the present case,

---

<sup>29</sup> Author’s Note: *Reynolds v. Reynolds*, 149 So.2d 770 (Ala. 1963) held that the statute providing for child support only applied to minor children, so a court could not order a parent to support an adult child.

we believe the legislature intended that support be provided for dependent children, regardless of whether that dependency results from minority, or from physical and/or mental disabilities that continue to render them incapable of self-support beyond minority.

Thus, we adopt the reasoning of the New Jersey Superior Court in the case of *Kruvant v. Kruvant*, supra, where the facts were similar to those of the case at bar. The case involved an appeal by a divorced husband from orders of the lower court reopening and modifying provisions for support of his son contained in a divorce decree. The husband argued that the New Jersey court did not have the jurisdiction under New Jersey's divorce statutes to order support for an adult child. The New Jersey court, however, said of its divorce statute:

[It] contemplates support for the children of divorced parents who, but for the divorce, would have continued to be entitled to the support of their father. It stems from the presumed inability of such children, by reason of their minority, to provide for themselves. Children who are unable to care for themselves because of their minority are no less entitled to the court's solicitude when they continue to suffer, after they have attained their majority, from a physical or mental disability which continues to render them incapable of self-support. Normal instincts of humanity and plain common sense would seem to dictate that in such cases the statutory obligation of the parent should not automatically terminate at age 21, but should continue until the need no longer exists. 67 C.J.S. *Parent and Child* § 17, p. 704 (1950); 39 Am.Jur., *Parent and Child*, § 40, p. 645, § 69, p. 710 (1942). However, we do not believe that the Legislature in enacting N.J.S. 2A:34-23, N.J.S.A., intended to confer jurisdiction upon the court to compel a husband or wife to support a child suffering from a disability which did not exist at the time of his attaining his majority but came about some time later. 100 N.J.Super. at 113, 241 A.2d at 265-266.

Further, we take note of the case of *Strom v. Strom*, 13 Ill.App.2d 354, 142 N.E.2d 172 (1957), where an Illinois court observed that the Illinois divorce statute did not specifically refer to children who are minors and held that where care is necessary to equip the child for adult life and the financial

circumstances of the father are adequate, equity can continue its jurisdiction to compel support of an adult child.

Moreover, in addition to our expanded interpretation today of the term “children” in the Alabama child support statute, we \*297 recognize a duty imposed on parents to support their children who continue to be disabled beyond their minority. Accordingly, as urged by our Court of Civil Appeals, we follow the reasoning of our sister state, Florida, as expressed in the case of *Fincham v. Levin*, *supra*, at 884:

[Appellant] cites the annotation in 1 A.L.R.2d at page 914 in support of the proposition that the common law went no further than to impose on parents the duty of supporting their minor children, and that as a general rule there is no obligation on the part of a parent to support an adult child. This is unquestionably the rule with respect to able-bodied children. However, the same annotation (at page 921) reflects that most jurisdictions hold that where a child is of weak body or mind, unable to care for itself after coming of age, the parental rights and duties remain practically unchanged and the parent's duty to support the child continues as before. We concur with the trial court and *Perla v. Perla*, [58 So.2d 689 (Fla.1952)], in adopting that view.

End of quotation from *Ex parte Brewington*, *supra* at 296-297.

Of course, not all courts have adopted the position espoused by the *Brewington* court. For an example of a court refusing to find a common law duty for a parent to support an adult child absent a statute on point, see *Crane v. Crane*, 170 S.E.2d 392 (Ga. 1969) where the Supreme Court of Georgia said,

the right in an adult child to recover support beyond the age of 21 is barred by Code ss 74-104 and 74-105, which provide \*607 together that a father's obligation to provide for the maintenance, protection and education of his child ceases when the child becomes 21 years of age. There is no exception provided for and this court cannot make any. The General Assembly might conceivably make an exception as to children who are born mentally ill and remain so beyond majority or who become ill later on in life and remain so after reaching majority. *Crane*, *Id.* at 606-607.

It is noteworthy that in 2024 Georgia enacted statutes Ga. Code Ann. §§ 19-6-15.1 and 19-6-15.2 to respond to the last sentence of the above quote from the *Crane* case. A portion of the first of these statutes is quoted in Section 2.C, below.

Another example is the Kansas Supreme Court in *Arche v. U.S. Dept. of Army*, 247 Kan. 276, 798 P.2d 477 (1990) where the court said,

[u]nder the earliest common law a parent was not responsible for the care of an adult incompetent child. That common-law rule was modified by our earlier decisions and by statutory law. Then, in 1967, the legislature reinstated the early common-law rule that a parent would not be liable for the support, care, and maintenance of an adult incompetent child who was in a state hospital. After careful study, and in light of the economic realities of our present society, we conclude that we should follow the lead of the Kansas Legislature and modify our decisional law. Accordingly, we hold that a parent is no longer required by law to provide support for an adult incompetent child in this state.<sup>30</sup>

The Kentucky Appeals Court summarized its rule this way,

[w]e deduce the rule to be that a parent is not liable for the debts of his adult child in the absence of a statute to the contrary, unless the child is in such a feeble and dependent condition physically or mentally as to be incapable of supporting himself; that if at the time the child becomes of age he is physically and mentally sound and able, if willing, to make and earn his own support, the parent is not liable for his debts or obligations thereafter contracted, even though he should later become sick or mentally unbalanced and therefore incapacitated to earn a livelihood. If, however, the child at the time of his arrival at the age of 21 is sick or otherwise incapacitated to earn a living for himself, and is, at the time, living in the home of the parent as a member of the household, the parent is liable for necessities furnished him.<sup>31</sup>

---

<sup>30</sup> *Arche v. U.S. Dept. of Army*, 247 Kan. 276, 291, 798 P.2d 477, 486 (Kan. 1990).

<sup>31</sup> *Breuer v. Dowden*, 268 S.W. 541, 542 (Ky.App. 1925).

### **C. Statutes Imposing Duty to Support Adult Child**

If a state has a statute that imposes a duty to support an adult child with a disability, then a court considering whether a non-custodial parent must continue to pay child support for an adult child will have an easy task ordering the continuation of child support payments if the child's condition satisfies the statutory requirements.

Some states have a statute that address this. For example, consider the following:

**Arizona Revised Statute 25-320.E** says, "Even if a child is over the age of majority when a petition is filed or at the time of the final decree, the court may order support to continue past the age of majority if all of the following are true: . . . 2. The child has severe mental or physical disabilities as demonstrated by the fact that the child is unable to live independently and be self-supporting. 3. The child's disability began before the child reached the age of majority."

**Florida Statute Annotated 743.07(2)** says, "This section shall not prohibit any court of competent jurisdiction from requiring support for a dependent person beyond the age of 18 years when such dependency is because of a mental or physical incapacity which began prior to such person reaching majority...").

**Georgia Code Annotated § 19-6-15.1** says, "(a) As used in this article, the term "dependent adult child" means an unmarried individual who has reached the age of majority and is incapable of self-support as a result of a physical or mental incapacity that began before the individual reached the age of majority. (b) A legal proceeding may be brought to establish support for a dependent adult child. Such proceeding shall be brought in accordance with Code Section 19-6-26 and may be brought by the following:

- (1) Either parent;
- (2) A nonparent custodian;
- (3) A guardian appointed to receive support for the dependent adult child whose benefit the support is ordered; or
- (4) The dependent adult child for whose benefit the support is ordered or his or her agent under a durable power of attorney

**Illinois Compiled Statutes § 750 Ill. Comp. Stat. Ann. 5/513.5(a)** says in part, "The court may award sums of money out of the property and income of

either or both parties or the estate of a deceased parent, as equity may require, for the support of a child of the parties who has attained majority when the child is mentally or physically disabled and not otherwise emancipated.”

**Missouri Revised Statute 452.340.4** says, “If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.”

**New Jersey Statute 2A:34-23.a** says in part, “The obligation to pay support for a child who has not been emancipated by the court shall not terminate solely on the basis of the child's age if the child suffers from a severe mental or physical incapacity that causes the child to be financially dependent on a parent. The obligation to pay support for that child shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent. However, in assessing the financial obligation of the parent, the court shall consider, in addition to the factors enumerated in this section, the child's eligibility for public benefits and services for people with disabilities and may make such orders, including an order involving the creation of a trust, as are necessary to promote the well-being of the child.

As used in this section "severe mental or physical incapacity" shall not include a child's abuse of, or addiction to, alcohol or controlled substances.”

**Texas Family Code Ann. § 154.302** says in part, “(a) The court may order either or both parents to provide for the support of a child for an indefinite period and may determine the rights and duties of the parents if the court finds that:

- (1) the child, whether institutionalized or not, requires substantial care and personal supervision because of a mental or physical disability and will not be capable of self-support.”

### **3. Must Legal Action to Request Child Support for an Adult Child Be Commenced Before the Child Reaches Majority Age?**

#### **A. Courts are Split**

The courts are split on the answer to this question. For example, in Alabama the action can be brought after the child is no longer a minor as long as the disability had onset while the child was a minor. The Alabama appeals court said it this way,

[I]f a mentally or physically dependent child continues to be disabled beyond minority and support is needed and the non-custodial parent is able to contribute toward that need, the duty to support can be enforced through proceedings such as were instituted in the present case, although the original divorce judgment contained no provision for that child's support and the trial court did not expressly retain the right to order such support in the future. The age of such a disabled child at the time of the divorce or at the time that the *Brewington* support duty is sought to be enforced is immaterial as long as the disability occurred during the child's minority and continues thereafter [citation omitted].<sup>32</sup>

Often this issue arises when a parent files a motion to modify a previous child support order. If so, the petitioner will be required to comply with the statute describing the criteria to be met in order to modify a previous child support order. For example, the Supreme Court of Missouri has held that a mother could file a motion to modify child support even though the child had already reached the age of majority because the mother had met the criteria of the statute allowing a modification.<sup>33</sup>

## **B. State Statutes Addressing This Question**

Some states have statutes that directly address this question. For example, consider the following:

**Arizona Revised Statute § 25-320.E** says, “Even if a child is over the age of majority when a petition is filed or at the time of the final decree, the court may order support to continue past the age of majority if all of the following are true:

1. The court has considered the factors prescribed in subsection D of this section.
2. The child has severe mental or physical disabilities as demonstrated by the fact that the child is unable to live independently and be self-supporting.
3. The child's disability began before the child reached the age of majority.

---

<sup>32</sup> *Martin v. Martin*, 494 So.2d 97, 100 (Ala. Civ. App. 1986).

<sup>33</sup> *Lueckenotte v. Luecknotte*, 34 S.W.3d 387 (Mo. 2001) and R.S.Mo. 452.340.4.

**Hawaii Revised Statute § 580-47(a)** says, in part, “Provision may be made for the support, maintenance, and education of an adult or minor child and for the support, maintenance, and education of an incompetent adult child whether or not the petition is made before or after the child has attained the age of majority.”

**Illinois Statute § 750 ILCS 5/513.5(a)** says, “An application for support for a non-minor disabled child may be made before or after the child has attained majority.”

**Louisiana Revised Statute § 9:315.22.1.B** says, “An action under this Section to establish an initial award of child support may be filed regardless of the age of the child.”

**New Hampshire Revised Statute Annotated § 461-A:14,IV** says, in part, “If the parties have a child with disabilities, the court may initiate or continue the child support obligation after the child reaches the age of 18.”

**Oklahoma Statute 43 Okla. Stat. § 112.1A.D.1** says, “A suit under this section may be filed:

- a. regardless of the age of the child, and
- b. as an independent cause of action or joined with any other claim or remedy provided by this title.”

Other times this issue arises when the adult child, or someone on the child’s behalf, brings an action for support against a parent under the state’s filial statute.<sup>34</sup>

### **C. Who Has Standing to Sue Parent for Child Support?**

A related question is who has standing to bring a legal action against a parent for the support of an adult child. While it is sometimes held that the custodial parent may initiate such an action by invoking the jurisdiction of the court deciding the divorce proceeding,<sup>35</sup> a

---

<sup>34</sup> *E.g.*, Carpy v. Carpy, No. A135261 (Cal.App. 1st Dist. Div.1 August 28, 2013).

<sup>35</sup> *E.g.*, Martin v. Martin, 494 So.2d 97 (Ala. Civ. App. 1986); Ruiz v. Ruiz, 783 So.2d 361 (Fla. 5th Dist. App. 2001); Gregory v. Gregory, 259 P.3d 914 (Okla.App.Div. 1 2011).

more common view is that the adult child, or someone acting on his or her behalf, must initiate the action if it has not been previously decided by the divorce court.<sup>36</sup>

This was addressed by statute in Georgia. Effective July 1, 2025, Georgia enacted a statute authorizing this action to be brought by: “(1) Either parent; (2) A nonparent custodian; (3) A guardian appointed to receive support for the dependent adult child whose benefit the support is ordered; or (4) The dependent adult child for whose benefit the support is ordered or his or her agent under a durable power of attorney.”<sup>37</sup>

#### **4. Can Public Benefits a Child Is Receiving Be Used to Offset or Reduce a Parent’s Contemporaneous Obligation to Pay Child Support?**

This question relates to all children receiving child support, whether an adult or a minor. The answer to this question varies depending on what public assistance the child is actually receiving.

##### **A. Social Security**

The majority of courts that have considered this question have held that Social Security payments received by a child because of the death, disability, or retirement of the parent obligated to pay child support (often referred to as the “obligor”) can be taken into account when calculating the amount of the parent’s support obligation for that child. This is true whether the child is receiving Social Security Disability Income or Social Security as a dependent child.

The rationale usually employed by a court when taking Social Security being received by the child into account when calculating the parent’s child support obligation is that these payments are not mere public benefits available to anyone, but have been earned by the obligor parent while he or she worked and paid into the Social Security system.

---

<sup>36</sup> *E.g.*, *Brown v. Brown*, 714 So.2d 475 (Fla. 5th Dist. App. 1998); *Hastings v. Hastings*, 841 So.2d 484 (Fla. 3d Dist. App. 2003); *Taylor v. Bonsall*, 875 So.2d 705 (Fla. 5th Dist. App. 2004)(“the right to support for an adult dependent child belongs to the child and not the parent”).

<sup>37</sup> Ga. Code Ann. § 19-6-15.1.

“Payments prescribed by the Social Security Act are not gratuities or matters of grace; they are not public assistance or welfare payments. *Anderson v. Powell*, 235 Ga. 738, 221 S.E.2d 565 (1975). Social security benefits are from funds earned in part by the individual who throughout his working life has contributed to the benefits by deductions from his wages.” *McClasky v. McClasky*, 543 S.W.2d 832, 834 (Mo.App.E.D. 1976).

“The use of social security payments to satisfy a child-support obligation is merely a change in the manner of payment; the nature of the funds is the same.” *McClasky*, *Id.* at 834

In *Miller v. Miller*<sup>38</sup> the Supreme Court of Alaska described it this way,

Courts have been careful to point out that, unlike welfare and other forms of public assistance, social security benefits represent contributions that a worker has made throughout the course of employment; in this sense, benefits represent earnings in much the same way as do annuities paid by an insurance policy:

\*577 The payments prescribed by them [the Social Security Act] are not gratuities or matters of grace; they are not public assistance; they are not welfare payments. On the contrary, the law created a contributory insurance system, under which what in effect constitute premiums are shared by employees and employers. Consequently, in spirit at least, if not strictly and technically, the employee, who throughout his working life has contributed part of the premiums in the form of deductions from his wages or salary, should be deemed to have a vested right to the payments prescribed by the statutory scheme, which in effect comprises the terms of the insurance policy. He has earned the benefits; he is not receiving a gift. *Schmiedigen v. Celebreeze*, 245 F.Supp. 825, 827 (D.D.C.1965).<sup>39</sup>

Courts that have not allowed Social Security being received by the child to be taken into account when calculating the child support amount often do so because such an action

---

<sup>38</sup> *Miller v. Miller*, 890 P.2d 574, 576-577 (Alaska 1995).

<sup>39</sup> *Id.* at 576-577.

would retroactively modify the child support decree<sup>40</sup> or would cause an inequitable result.<sup>41</sup> These decisions are usually not based on the courts rejection of the above-described rationale.

## **B. How Social Security Received by a Child is Treated**

There are three ways that courts treat Social Security or Social Security Disability benefits received by a child through a parent's Social Security account. Some courts treat these benefits as a direct dollar-for-dollar offset against the parent's child support obligation.<sup>42</sup> Other courts add the amount of such benefits received by the child to the parent's income first (which increases that parent's child support obligation) and then treat the Social Security received by child as though paid by parent.<sup>43</sup> Still other courts treat the Social Security received by the child as the child's income which proportionately reduces both parents' child support obligations.<sup>44</sup>

The same is not true if the Social Security being received by the child is not based on the Social Security account of the parent who is required to pay child support. In that case the parent is not allowed any credit for the Social Security paid to the child.<sup>45</sup> The rationale used by the courts is the inverse of the rationale used to allow a credit if the Social Security being received is as a result of the Social Security account of the parent who owes the child

---

<sup>40</sup> Chase v. Chase, 444 P.2d 145 (Wash. 1968).

<sup>41</sup> Arnoldt v. Arnoldt, 554 N.Y.S.2d 396 (1990); Ouellette v. Ouellette, 687 A.2d 242 (Me. 1996) ("the trial court should consider the impact of the child's receipt of social security benefits. The trial court, however, may deviate from the guidelines only if it finds that their application would be inequitable or unjust", *Ouellette*, *Id.* at 243).

<sup>42</sup> *E.g.*, Binns v. Maddox, 327 So.2d 726 (Ala.App. 1976); Holmberg v. Holmberg, 578 N.W.2d 817 (Minn.App. 1998).

<sup>43</sup> *E.g.*, Jenkins v. Jenkins, 704 A.2d 231 (Conn. 1998) ("social security dependency benefits paid to the minor children of the plaintiff's first marriage and credited against his child support obligation must be included in the plaintiff's gross income for purposes of determining the amount of his child support obligation under the guidelines." *Jenkins*, *Id.* at 595).

<sup>44</sup> *E.g.*, In re Marriage of Quintana, 30 P.3d 870, 871 (Colo.App.2001).

<sup>45</sup> *E.g.*, Wilson v. Stenwall, 868 P.2d 1317 (Okla.App.Div. 3 1992)(parent not entitled to credit for SS received by child as result of other parent's entitlement)

support obligation. Since the other parent did not contribute to the Social Security account being used to pay the child, no credit against the child support obligation is allowed.

### **C. Supplemental Security Income**

The courts consistently view this differently if the child is receiving Supplemental Security Income (SSI) rather than Social Security.<sup>46</sup> This is succinctly expressed by one court as follows:

We find that plaintiff is misinterpreting the relationship between his support obligation and the supplemental security income. The supplemental income payments are intended to insure a minimum level of income for persons who are over age 65, or blind, or disabled, who do not have sufficient income and resources to maintain a standard of living at the established federal minimum income level. Title 42, Section 1381, U.S.Code; 20 C.F.R., Section 416.110. The amount of supplemental income an eligible individual will receive is based on his income and resources. Title 42, Section 1381a, U.S.Code. In calculating an individual's income, if the individual is a child the support he receives from an absent parent is to be considered. Title 42, Section 1382a(b) (9), U.S.Code.[FN\*] There is a redetermination of eligibility and the amount of benefits at frequent intervals. Title 42, Section 1382(c)(1); 20 C.F.R., Section 416.222. The supplemental security income payments are intended to supplement other income, not substitute for it. The amount of supplemental security income received is modified as the amount of the recipient's other income changes, not vice versa.<sup>47</sup>

But an exception to this holding can be found in *In re Marriage of Trichak*, 863 P.2d 585 (Wash.App.Div.1 1993) where the court ruled that SSI received by a child is income to the child and can be used when calculating the child support obligation of a parent.

---

<sup>46</sup> Lightel v. Myers, 791 So.2d 955 (Ala. Civ. App. 2000); In re Marriage of Thornton, 802 P.2d 1194 (Colo.App. 1990); Ford v. Ford, 816 So.2d 1193 (Fla.App.2.Dist. 2002); In re Marriage of Benson, 495 N.W.2d 777 (Iowa App. 1992); Matter of Marriage of Emerson, 850 P.2d 942 (Kan.App. 1993); State ex rel. Dept. of Social Services Div. of Child Support Enforcement v. Kost, 964 S.W.2d 528 (Mo.App. W.D. 1998); Lewis v. Department of Social Services, 61 S.W.3d 248 (Mo.App. W.D. 2001); Oatley v. Oatley, 387 N.E.2d 245 (Ohio App. 1977); Nelson v. Nelson, 454 N.W.2d 533(S.D. 1990); Hawkins v. Peterson, 474 N.W.2d 90 (S.D. 1991); Bennett v. Com., Virginia Dept. of Social Services Div. of Child Support, 472 S.E.2d 668 (Va.App. 1996); Rinaldi v. Dumsick, 528 S.E.2d 134 (Va.App. 2000).

<sup>47</sup> Oatley v. Oatley, 387 N.E.2d 245, 246 (Ohio.App. 1977).

## 5. Can Trust Assets or Income be Used to Offset or Reduce a Parent's Child Support Obligation Owed to a Child Who is a Beneficiary of the Trust?

There are not many court decisions on this question, especially when the focus is narrowed to child support for an adult child who has a disability. More broadly, most courts have held that income from a trust that directs the trustee to support or provide maintenance for the beneficiary will be taken into account for child support calculation purposes. On the other hand, if the trust grants the trustee discretion to distribute for the special needs of the beneficiary, then trust income and principal will be ignored for child support calculation purposes. This occurs even if the trust is a self-settled d4A trust. Some of these cases are summarized below.

### A. Cases Holding Trust Assets Do Not Reduce Obligor Parent's Child Support Obligation

1) ***Lewis v. Department of Social Services*, 61 S.W.3d 248 (Mo.App. W.D. 2001)**. The *Lewis* case provides the best discussion of the issues and rationale used by a court to ignore the income from a **self-settled d4A special needs trust** when determining a father's child support obligation.

In *Lewis*, the child (Jennifer) sustained a traumatic brain injury while she was a minor. A personal injury lawsuit settlement was placed in a self-settled d4A special needs trust for Jennifer's benefit. After Jennifer reached the age of majority, her father petitioned the court to take the d4A trust into account when calculating his child support obligation.

The court began its analysis by saying, "Whether income from a trust should be included in determining appropriate amount of child support depends upon the type of trust involved and intent of settlor." *Lewis, Id.* at 256.

After reviewing the law and rational concerning a self-settled d4A special needs trust and determining that this trust was established to "supplement, rather than supplant, the benefits to which [Jennifer] would otherwise be entitled," the court said, "To find that this trust is available for the ordinary support and maintenance of Jennifer's

everyday expenses would be contrary to the intent and purpose of this trust." *Lewis*, *Id.* at 258.

The court analogized distributions from the d4A trust to SSI benefits (which the court had held in an earlier case were not to be countable as income to the child for child support calculations<sup>48</sup>). As such, the court held in *Lewis* that the income from the d4A trust was not to be considered when determining the child support obligation of trust beneficiary's father.

The special needs trust established for Jennifer as a result of the medical malpractice claim and the monthly income received from the trust do not diminish Mr. Lewis's child support obligations. The trust represents additional income, used to defray the extraordinary expenses that are required in meeting Jennifer's special needs. See *id.* Those special needs were not considered when the presumptive amount, reflected in Form 14, was calculated. Thus, this court affirms the Division's determination that Jennifer's income from the special needs trust does not make the presumptive correct child support amount unjust or inappropriate.<sup>49</sup>

**2) *Adu-Tutu v. Adu-Tutu*, 1 CA-CV 11-0262, 2012 WL 1964568 (Ariz. App. 1st Div. 2012).** In this case the court refused to reduce a father's child support obligation even though there was a **self-settled d4A special needs trust** established for the benefit of the child.

When the parents divorced in 1996 they had one adult child who was severely disabled and required 24-hour care. The child was the beneficiary of a self-settled d4A special needs trust that had total assets of \$155,000. The father argued that the special needs trust made the child self-sufficient so he no longer qualified for child support.

---

<sup>48</sup> State ex rel. Dep't of Soc. Servs. Div. of Child Support Enforcement v. Kost, 964 S.W.2d 528 (Mo.App.1998).

<sup>49</sup> *Lewis v. Department of Social Services*, 61 S.W.3d 248, 259 (Mo.App. W.D. 2001).

The father wanted the special needs trust to be depleted before the father was required to continue paying child support. The court disagreed and said,

The only support available to the child comes from Father's child support payments and what Mother provides. Once Father passes away, the only asset available to support the child will be the Trust. Yet, Father currently has a sizable income and can afford to pay child support in addition to his own expenses. We cannot say the trial court abused its discretion in seeking to prolong the Trust assets as long as Father is financially able to provide support to his disabled child. In fact, this is consistent with 'the primary intention' of the Trust 'to provide for continuing conservation and enhancement of the assets.'<sup>50</sup>

**3) *Cutts v. Trippe*, 57 A.3d 1006 (Md. App. 2012).** This case addressed whether a trust established for the benefit of an adult child with a disability was sufficient to cause the child to not be eligible for child support because the child was not “destitute” as a result of the assets in the trust. The record is not clear what type of trust was involved in this case. All that is known is that the adult child with a disability (“Sarah”) was the beneficiary and her mother was the trustee. The trustee had discretion whether to make distributions to or for the benefit of Sarah.

The obligor father argued on appeal that Sarah was not a “destitute adult child” as defined by statute because of the trust. According to the appeals court, “A “destitute adult child” is defined as “an adult child who: (1) has no means of subsistence; and (2) cannot be self-supporting, due to mental or physical infirmity.” FL § 13–101(b).”<sup>51</sup>

The court found that the trust did not constitute a “means of substance” because the trust assets were not currently available to Sarah. The trial court had found that Sarah had no right to access the trust funds, and no trust funds had ever been disbursed to Sarah. As a result, the appellate court held that the trust had no bearing on Sarah’s current need for support. Therefore, Sarah was a “destitute adult child” and the father was required to contribute to her support, as required by the statute.

---

<sup>50</sup> Adu-Tutu v. Adu-Tutu, 1 CA-CV 11-0262, ¶ 25, 2012 WL 1964568 (Ariz. App. 1st Div. 2012).

<sup>51</sup> Cutts v. Trippe, 57 A.3d 1006, 1010 (Md. App. 2012).

## **B. Statute Excluding Trust Distributions for Child From Calculation of Parent's Child Support Obligation Owed to the Child**

In Oklahoma, statute 43 O.S.A. § 118B.B.4 excludes the following from the definition of gross income when calculating the amount of child support that an obligor parent may owe, "The income of the child from any source including, but not limited to, trust income and social security benefits drawn on the disability of the child."<sup>52</sup> (emphasis added)

## **C. Cases Holding Trust Distributions Can be Offset Against Obligor Parent's Child Support Obligation:**

1) ***Carmody v. Carmody*, 230 So.2d 40 (Fla. 1st Dist. App. 1970).** In the 1970 case of *Carmody v. Carmody* the court took the income from a trust into account when calculating the child support obligation of the child's father.

When the parents entered into a divorce decree they had a seventeen year old child who was the beneficiary of a trust with total assets of \$133,000 that was "as a result of permanent injuries suffered in an automobile accident." The court does not describe this trust other than to say it pays income for the benefit of the child. However, since this case was decided before SSI existed and long before the advent of 42 U.S.C. § 1396p(d)(4)(A), it clearly was not a trust authorized by this statute even though by today's standards it was a self-settled trust.

The appeals court upheld the lower court's order that the \$300/month paid to the custodial mother from the trust was ample for the child's support, so the father was not required to pay any child support. The appeals court specifically said, "We do not hold that the husband is relieved of all duty to support the disabled child. We do hold \*42 that this record supports the Chancellor's order as to the question of child support." *Carmody, Id.* at 41-42.

2) ***In re Marriage of Drake*, 62 Cal.Rptr.2d 466 (Cal.App.2d Dist. 1997).** Not surprisingly, when a court was faced with the question of whether income from a third

---

<sup>52</sup> 43 O.S.A. § 118B.B.4.

party-settled *support* trust established by an adult child's mother should be counted in the child support calculation, the court included such income.

The adult child was diagnosed with paranoid schizophrenia at age 21, ten years after the parents divorced. The child lived with his mother, who established a third party-settled *support* trust for the child's benefit. When the mother died she left money to this support trust. The child's father challenged the child support he was ordered to pay. One of the father's arguments was that the income from the support trust should directly discharge or offset the father's duty to pay child support for his child. The court disagreed and, since the money in the support trust came from the mother, the trust income was treated as though it was the mother's income, rather than an independent source of income of the child's. This had the effect of reducing the amount of child support the father had to pay since some of the cost of supporting the child was coming from the "mother," *i.e.*, the trust. However, the trust income was not a direct offset of the father's child support obligation.

**3) *Hohenberg v. Hohenberg*, 703 S.W.2d 555 (Mo. Ct. App. 1985).** The question in this case was whether income earned on assets held in trusts established for minor children of the divorcing couple should be taken into account when determining the amount of child support the obligor parent should pay. There were multiple trusts involved, some established by the obligor parent, some by both parents, and some by grandparents. The court held, "We conclude, therefore, that a trial court is not free to disregard the income and assets of the children in determining the child support obligation of the husband. While the emphasis of such an award is upon father's primary responsibility for support the statute also mandates consideration of the financial resources of the child."<sup>53</sup>

---

<sup>53</sup> *Hohenberg v. Hohenberg*, 703 S.W.2d 555, 558 (Mo. Ct. App. 1985).

## **6. Can Child Support Payments be Made Directly to a Child's Special Needs Trust to Avoid Reduction of the Child's SSI or Medicaid Benefits?**

The answer to this question is “yes” if the payments are to a self-settled special needs trust. Some states even have a statute allowing this. But first, to put in context why this is important, consider a beneficiary of a self-settled special needs trust who is receiving SSI benefits.

### **A. The Problem - Child Support is “Income”**

Child support payments made directly to the child are “income” for SSI eligibility purposes. In addition, because of the deeming rules, child support payments made to a parent who has a duty to support the child are deemed to be income to the child.<sup>54</sup> As a result, child support payments will cause a reduction of the child's SSI, or if large enough, loss of SSI. This may also negatively impact the child's eligibility for Medicaid.

### **B. The Solution - Child Support Ordered to be Paid Direct to Trust**

On the other hand, if child support payments are ordered by a court to be paid directly into a self-settled special needs trust established for the benefit of the child that complies with 42 U.S.C. § 1396p(d)(4)(A) or (d)(4)(C), then the child support is not deemed to be received by the child and these means-tested public benefits are not negatively impacted.

### **C. What the POMS Says**

This is explicitly authorized by the POMS, as follows,

A legally assignable payment that is assigned to a trust or trustee is income for SSI purposes, to the individual entitled or eligible to receive the payment, unless an SSI income exclusion applies or the assignment is irrevocable. We consider assignment of payment by court orders to be irrevocable. For example, child support or alimony payments paid directly to a trust or trustee because of a court order are considered irrevocably assigned and thus not

---

<sup>54</sup> 20 C.F.R 416.1161; POMS SI 01320.001.

income. Also, U.S. Military Survivor Benefit Plan (SBP) payments assigned to a special needs trust are not income because the assignment of an SPB annuity is irrevocable. For more information on SPB annuities, see SI 01120.201J.1.e. (emphasis added)<sup>55</sup>

#### **D. State Statutes Allowing This**

Some states have enacted statutes that allow child support payments for a child who is disabled to be made directly to a special needs trust established for the benefit of the child who is the subject of the child support payments. For example, in 2019 Texas added sub-section (c) to Texas Family Code Ann. § 154.302. This sub-section says,

(c) Notwithstanding Subsection (b), a court that orders support under this section for an adult child with a disability may designate a special needs trust and provide that the support may be paid directly to the trust for the benefit of the adult child. The court shall order that support payable to a special needs trust under this subsection be paid directly to the trust and may not order the support be paid to the state disbursement unit. This subsection does not apply in a Title IV-D case.<sup>56</sup>

Other states with similar statutory authority to direct child support into a trust for the benefit of the child are New York, New Jersey, Georgia, and California. Citations to those statutes can be found in Appendix B, the SNT Trust Chart at the end of these materials.

### **7. Can a Special Needs Trust Be Garnished for Unpaid Child Support Owed by the Trust's Beneficiary?**

The remainder of these materials focus on the situation where the beneficiary of a special needs trust is the parent who owes child support.

---

<sup>55</sup> POMS SI 01120.200G.1.d. This POMS Section is located in an area of the POMS dealing with third party-settled trusts. However, since child support payments are usually deemed to belong to the child, it is common practice that a self-settled special needs trust that complies with 42 U.S.C. § 1396p(d)(4)(A) or (d)(4)(C) should be used as the receptacle for court ordered child support payments.

<sup>56</sup> Texas Fam. Code Ann. § 154.306(c).

No court has held that a special needs trust can be garnished or required to pay a child support obligation owed by the beneficiary of the trust. However, distributions from such a trust are another matter.

#### **A. Recent Case Applying Florida’s Version of U.T.C. § 503 to a Self-Settled Special Needs Trust**

The District Court of Appeal of Florida, Second District, in the 2019 case of *Alexander v. Harris*,<sup>57</sup> held that a self-settled special needs trust established under 42 U.S.C. § 1396p with funds from a liability action brought as a result of injuries received in a car accident was liable for a continuing garnishment for past due child support owed by the beneficiary of the trust who was the father of the child. The court said,

Although the court cannot compel a disbursement from a trust, “[i]f disbursements are wholly within the trustee’s discretion ... [and] the trustee exercises its discretion and makes a disbursement, that disbursement may be subject to the writ of garnishment.” [citation omitted] Whether the disbursements are paid directly to the beneficiary or to third parties for his benefit is immaterial to whether they may be garnished.<sup>58</sup>

The court based its decision on Florida Statute § 736.0503, which is based on Uniform Trust Code (UTC) § 503. Citing this statute, the Court said, “See § 736.0503(3) (“[A] claimant against which a spendthrift provision may not be enforced may obtain ... an order attaching present or future distributions to or for the benefit of the beneficiary.” (emphasis added)).”<sup>59</sup>

The court reversed the lower court and remanded “for entry of continuing writ of garnishment directed to discretionary distributions from the special needs trust.”<sup>60</sup>

#### **B. Uniform Trust Code § 503**

The Uniform Trust Code § 503, entitled “Exceptions to Spendthrift Provision” says, in part,

---

<sup>57</sup> *Alexander v. Harris*, 278 So. 3d 721 (Fla. Dist. Ct. App. 2019).

<sup>58</sup> *Id.* at 722.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 724.

(a) In this section, “child” includes any person for whom an order or judgment for child support has been entered in this or another State.

(b) A spendthrift provision is unenforceable against:

(1) a beneficiary’s child, spouse, or former spouse who has a judgment or court order against the beneficiary for support or maintenance; ...

(c) A claimant against which a spendthrift provision cannot be enforced may obtain from a court an order attaching present or future distributions to or for the benefit of the beneficiary. The court may limit the award to such relief as is appropriate under the circumstances.<sup>61</sup>

The Comment to U.T.C. § 503 says, in part,

The exception in subsection (b)(1) for judgments or orders to support a beneficiary’s child or current or former spouse is in accord with Restatement (Third) of Trusts Section 59(a) (Tentative Draft No. 2, approved 1999), Restatement (Second) of Trusts Section 157(a) (1959), and numerous state statutes. It is also consistent with federal bankruptcy law, which exempts such support orders from discharge. The effect of this exception is to permit the claimant for unpaid support to attach present or future distributions that would otherwise be made to the beneficiary. Distributions subject to attachment include distributions required by the express terms of the trust, such as mandatory payments of income, and distributions the trustee has otherwise decided to make, such as through the exercise of discretion. Subsection (b)(1), unlike Section 504, does not authorize the spousal or child claimant to compel a distribution from the trust. Section 504 authorizes a spouse or child claimant to compel a distribution to the extent the trustee has abused a discretion or failed to comply with a standard for distribution.<sup>62</sup>

According to the Uniform Law Commission,<sup>63</sup> all but fourteen states have enacted a version of the uniform trust code. If those states follow the reasoning of the *Alexander v. Harris*

---

<sup>61</sup> UNIF. TR. CODE § 503 (UNIF. LAW COMM’N amended 2018, Comments updated most recently 2025).

<sup>62</sup> *Id.*, Comment.

<sup>63</sup> See <https://www.uniformlaws.org/committees/community-home?CommunityKey=193ff839-7955-4846-8f3c-ce74ac23938d>.

case, the vast majority of the States will effectively allow distributions from self-settled special needs trusts to be garnished.

Note that this is not requiring the trust to directly pay the child support nor allowing the person entitled to the child support to garnish the trust assets or income. Instead, this allows any distributions made by the trustee to or for the benefit of the beneficiary to be intercepted and garnished by the person who has a judgement requiring the beneficiary of the trust to pay child support.

### **C. Oklahoma Statutes**

The Oklahoma Discretionary and Special Needs Trust Act contains three statutes that directly address whether a trust established for a beneficiary who is an obligor parent can be liable for child support owed by the beneficiary. Applicable sections of these statutes are quoted below.

**1) 60 Okl. St. Ann. § 175.87.** This statute sets forth the general rules regarding whether a creditor of a beneficiary of a trust can attach trust assets to pay the debt. It says, in part,

A. If a trust created on or after November 1, 2010, contains a spendthrift provision, a creditor shall not attach present and future mandatory distributions from the trust. A creditor shall wait until a distribution is received by a beneficiary before attachment. However, an exception creditor may attach present and future mandatory distributions for child support.<sup>64</sup> (emphasis added)

**2) 60 Okl. St. Ann. §175.88.** This statute applies to a trust where the trustee is directed to support the beneficiary. It says, in part,

---

<sup>64</sup> 60 Okl. St. Ann. § 175.87.A.

3. The only exception creditor under the Oklahoma Discretionary and Special Needs Trust Act is a child of a beneficiary who has a judgment or court order against the beneficiary for support;<sup>65</sup>

**3) 60 Okl. St. Ann. § 175.89.** This statute applies to a trust where the trustee has discretion to distribute to or for the benefit of the beneficiary. This statute says, in part,

1. A discretionary interest is neither a property interest nor an enforceable right to a distribution; it is a mere expectancy; provided, however, a beneficiary holding a discretionary interest has an equitable interest to bring an action against the trustee within the judicial review standard of paragraph 4 of this section. No creditor, regardless of whether the Oklahoma Discretionary and Special Needs Trust Act provides for any exception creditors, shall attach, require the trustee to exercise the trustee's discretion to make a distribution, or cause a court to judicially sell a discretionary interest;<sup>66</sup> (emphasis added).

## **8. Does it Violate the Sole Benefit Rule if a Self-Settled Special Needs Trust Directly Pays the Child Support Obligation Owed by the Trust's Beneficiary?**

A slightly different twist on the previous question arises when a beneficiary of a self-settled special needs trust (d4A or d4C) wants the trustee to pay child support obligations of the beneficiary (as opposed to fighting the court order imposing the child support obligation and requiring garnishments to be pursued).

The question then becomes, does it violate the “sole benefit rule” (and potentially jeopardize the beneficiary’s eligibility for SSI and Medicaid benefits) if the trustee voluntarily distributes from the trust to satisfy a court order requiring the beneficiary to pay child support?

---

<sup>65</sup> 60 Okl. St. Ann. §175.88.3.

<sup>66</sup> 60 Okl. St. Ann. § 175.89.1.

## A. What is the Sole Benefit Rule?

The "sole benefit rule" was originally promulgated by The Health Care Financing Administration (HCFA, now known as the Centers for Medicare and Medicaid Services (CMS)) in November 1994 when it issued Transmittal 64 as guidance for the recently passed 42 U.S.C. § 1396p(d)(4)(A) and ((d)(4)(C). Self-settled special needs trusts were authorised by this law. Section (d)(4)(A) required the trust be "established for the benefit of" the trust beneficiary and Section (d)(4)(C) required the trust to be "established solely for the benefit of" the trust beneficiary.<sup>67</sup>

The Social Security Administration (SSA) later included this language in the Social Security Program Operations Manual System (POMS) in § SI 01120.201F. In 2019, the SSA revised this Section of the POMS and essentially changed this to the "primary" benefit rule. This POMS Section now contains examples of distributions from a self-settled special needs trust to third parties that do not violate the sole benefit rule as long as the distribution primarily benefits the trust beneficiary.

This is in line with the what the court said in *In re Estate of Skinner*.<sup>68</sup>

Based upon a review of the regulatory definitions and the common law principles of trust law, the reasonable interpretation of the "sole benefit" rule for a U.S.C. § 1396p(d)(4)(A) trust is that: 1. The trust must have no primary beneficiaries other than the disabled person for whom it is established. 2. The trust may not be used to effect uncompensated transfers or other sham transactions. For example, the sole benefit provision would be violated if the beneficiary's parents funded the trust with the assets of the beneficiary and then had the beneficiary give the money to her parents in a sham transaction. 3. The trust is one in which the trustee does not have a duty to balance the fiduciary benefit to the beneficiary with a duty to ensure that funds remain for creditors such as Medicaid or for contingent beneficiaries. 4. When trust assets are used for investments, the financial and legal benefit of these transactions must remain with the trust.

---

<sup>67</sup> § 3259.7 and 3257.B.6 of Transmittal 64.

<sup>68</sup> *In re Estate of Skinner*, 787 S.E.2d 440, 451 (N.C. Ct. App. 2016), rev'd sub nom. *Matter of Skinner*, 370 N.C. 126, 804 S.E.2d 449 (2017)

## **B. There is No Official Guidance**

Currently, there is no official guidance or case law on this. However, there are good arguments that a trust paying the beneficiary's child support obligation does not violate this rule.

## **C. Arguments This Does Not Violate the Sole Benefit Rule**

Set forth below are some of the arguments that the sole benefit rule is not violated if the trustee of a trust for the benefit of the person who owes child support satisfies the beneficiary's child support obligation by paying the child support directly from the trust.

**1) Sole Benefit Rule Has Been Modified - It is Now Essentially the Primary Benefit Rule:** As a result of the 2019 revision of POMS SI 01120.201F, the "sole benefit rule" now focuses on whether a distribution from the trust is for the "primary benefit of the trust beneficiary." For example, the POMS now says the following when describing how to determine if the sole benefit rule has been violated by a trust distribution.

The key to evaluating this provision is that, when the trust makes a payment to a third party for goods or services, the goods or services must be for the primary benefit of the trust beneficiary. You should not read this so strictly as to prevent any collateral benefit to anyone else. For example, if the trust buys a house for the beneficiary to live in, that does not mean that no one else can live there, or if the trust purchases a television, that no one else can watch it. On the other hand, it would violate the sole benefit rule if the trust purchased a car for the beneficiary's grandchild to take the beneficiary to their doctor's appointments twice a month, but the grandchild was also driving it to work every day.<sup>69</sup>

As a result, if distributions from the trust primarily benefit the beneficiary, even if they also benefit the child, they should not violate the sole benefit rule.

---

<sup>69</sup> POMS SI 01120.201F.3.a, first bullet point.

**2) Beneficiary Benefits from Payment of Child Support Obligation:**

Payment of the beneficiary's child support obligation from the trust benefits the beneficiary for many reasons, some of which are listed here. Paying the beneficiary's child support obligations from the trust (i) saves the beneficiary, and probably the trust, money because the beneficiary will not need to hire lawyers to represent the beneficiary in legal actions attempting to force the beneficiary to pay the child support judgment, (ii) allows the beneficiary to avoid criminal prosecution for failure to pay child support, (iii) helps the beneficiary maintain connection and possibly a relationship with the beneficiary's child, (iv) reduces the beneficiary's stress that could result from legal and financial pressure for failure to pay child support, and (v) helps protect the reputation of the beneficiary by avoiding the social stigma of being viewed as a "dead beat" parent.

**3) No Federal Law Prohibits Distribution to Pay Child Support:** In *Alexander v. Harris* the beneficiary of a self-settled special needs trust established to comply with 42 U.S.C. § 1396p argued that his public assistance benefits would be jeopardized under federal law if child support payments were made from his trust. The court rejected that argument and said,

We can find no federal law or regulation expressly addressing the garnishment of a special needs trust to satisfy a support obligation. To the extent that 42 U.S.C. § 1396p discusses support payments and eligibility, subsection (c)(2)(B)(iii) states that "[a]n individual shall not be ineligible for medical assistance by reason of paragraph (1) to the extent that ... the assets ... were transferred to ... the individual's child."<sup>70</sup>

**4) POMS Allows Payment from a Trust to a Beneficiary's Creditor:** POMS SI 01120.201.I.1.d contains an example allowing a trust to pay a creditor of the trust beneficiary. This example describes a credit card bill owed by the trust beneficiary. The only issue addressed is whether the debt was incurred for shelter items for the beneficiary, in which case the payment may result in a reduction in the beneficiary's SSI because of receipt of in-kind support and maintenance.

---

<sup>70</sup> *Alexander v. Harris*, 278 So. 3d 721, 723 (Fla. Dist. Ct. App. 2019).

## 9. Do Distributions from a Special Needs Trust Count as Income to a Trust Beneficiary When Calculating How Much Child Support the Trust Beneficiary Owes?

While not directly holding that a special needs trust is liable for child support ordered to be paid by the trust beneficiary, some courts have held that distributions from a special needs trust impact the amount of child support the beneficiary owes. Four of these cases are summarized below. In each case a different argument was made by the beneficiary who was responsible for paying the child support.

In addition, there are other cases and three statutes (Florida, Oregon, and Texas) cited in Appendix B, the SNT Trust chart at the end of these materials.

**A. *Mazyk v. Cozze*, 2012 WL 6115682 (N.J.Super.A.D. 2012).** In this case the unmarried father of a minor child, suffered a traumatic brain injury before his child was born. A lawsuit settlement of \$1,200,000 was placed in a self-settled special needs trust for his benefit. Cozze appealed from a lower court ruling that the income from the trust was income to him for purposes of calculating his child support obligation. The appeals court upheld the lower court ruling. The court said, "in order to take advantage of certain Medicaid benefits, Cozze voluntarily gave up the settlement assets by creating the self settled Trust. The trial judge recognized that those assets are not available to satisfy Cozze's child support obligations. However, the distribution of those assets is a resource which the trial judge appropriately considered available for support."<sup>71</sup>

**B. *Myers v. Myers*, 2006-Ohio-5360, 2006 WL 2925353 (Ohio App. 6 Dist. 2006).** Mother was injured in an accident and lawsuit proceeds were placed in a self-settled d4A special needs trust. Mother argued that distributions from the d4A trust should not be included in her "gross income" for computation of her child support obligations. Her argument was that a d4A trust is a federally sanctioned device to shelter funds from being included as countable assets for purposes of Medicaid eligibility and they should be afforded the same protection in a child support proceeding. The court disagreed and said, "Nevertheless, we find no authority that a special needs trust supercedes or in any other way influences areas of the law outside Medicaid. Absent an express statutory exemption,

---

<sup>71</sup> *Mazyk v. Cozze*, 2012 WL 6115682, 4 (N.J.Super.A.D. 2012).

we must conclude that income from a special needs trust is “trust income” and, as such, is expressly included in “gross income” for purposes of child support computations...”<sup>72</sup>

**C. *Mencer v. Ruch*, 928 A.2d 294 (Pa.Super. 2007).** Father was the beneficiary of a “supplemental needs trust created pursuant to New York state law from the proceeds of a personal injury action.” Father argued that any distributions from the trust are not income to him for child support purposes because he has no ability to control the payments. Despite being accepted by the lower court, this court rejected that argument.

Father also argued that distributions from the trust cannot be used in calculating his child support because the law does not allow the trustee to pay child support from the trust. To this the court said, “we are not placing any child support obligation upon the trust; rather, we are holding that the actual distributions from the trust to Father are income for purposes of calculating Father’s child support obligation pursuant to Pennsylvania law. Father, rather than the trustee, is obligated to pay the child support. We must leave for a different day the question of whether the trust principal can be attached\*299 for purposes of any arrearages that may accrue as the result of our decision herein.”<sup>73</sup>

**D. *In re Ramsey County ex rel. Pierce County, Wis.*, 645 N.W.2d 747 (Minn.App. 2002).** In *Ramsey* there was a special needs trust established for the benefit of the father who was responsible for paying child support, but the issue decided by the court concerned whether in-kind support and maintenance received from the father’s parents should be counted as “income” to the father for purposes of calculating his child support obligation.

In this case the father was disabled, was receiving Social Security Disability benefits, and was the beneficiary of a “supplemental needs trust” created by his parents (it is not clear if the trust is self-settled or third party-settled). The father lived with his parents who provided in-kind support and maintenance to him. The court held that in-kind support from the father’s parents should not be counted as “income” to the father for calculation of the father’s child support obligation.

It is expected that the analysis used in this case could be expanded to apply to in-kind support and maintenance being provided by a special needs trust or a person other than the parents.

---

<sup>72</sup> Myers v. Myers, 2006-Ohio-5360, 2006 WL 2925353, ¶ 25 (Ohio App. 6 Dist. 2006).

<sup>73</sup> Mencer v. Ruch, 928 A.2d 294, 298-299 (Pa.Super. 2007).

## **Appendix A**

### **Child Support For Adult Disabled Child**

**Summary of Cases and Statutes in 50 States Plus District of Columbia  
That Answer Questions Posed in the Accompanying Paper**

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State   | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                                                              | Statutes                                                                                                                                                | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alabama | Yes - Mandated by common law (Case 1, 11)                              | Yes - Case 1, 2, 3, 4, 5                                   | No - Case 2, 5                                      | Yes, for SSD from Soc Sec account of parent required to pay CS (Rule 32(B)(9)(a), Case 6, 7, 10, 13); Not from other person's work history (Case 15); Not for arrearage (Case 12); <b>No</b> - for SSI (Rule 32(B)(9)(b); Case 8, 13) | Rule 32-Child Support Guidelines § (9)-2023 (Alabama Rules of Judicial Administration; not a statute, but a Alabama Supreme Court Rule to guide courts) | 1. <i>Ex parte Brewington</i> , 445 So.2d 294 (Ala. 1983); 2. <i>Martin v. Martin</i> , 494 So.2d 97 (Ala. Civ. App. 1986); 3. <i>Elliot v. Bretherick</i> , 555 So.2d 1109 (Ala.Civ.App.1989); 4. <i>Self v. Self</i> , 685 So.2d 732 (Ala.Civ. App. 1996); 5. <i>Ex parte Cohen</i> , 763 So.2d 253 (Ala. 1999)(To award [Brewington] support, the trial court must (1) determine that the adult child is not capable of earning an income sufficient to provide for his or her reasonable living expenses and (2) that the adult child's mental or physical disability is the cause of his or her inability to earn that income); 6. <i>Binns v. Maddox</i> , 327 So.2d 726 (Ala.App. 1976); 7. <i>Bowden v. Bowden</i> , 426 So.2d 448 (Ala.Civ.App. 1983)(intrepreting North Carolina law); 8. <i>Lightel v. Myers</i> , 791 So.2d 955 (Ala. Civ. App. 2000); 9. <i>Penny v. Penny</i> , 786 So.2d 376 (Ala.Civ.App. 2000); 10. <i>W.R. v. C.R.</i> , 75 So.3d 159 (Ala. Civ. App. 2011)(payments from a third-party source may be offset against a child-support obligation if those third-party payments are intended to be a substitute for the parent's income, but no offset was available if the third-party payments are intended to be a supplement to the parent's or parents' income); 11. <i>Knepton v. Knepton</i> , 199 So.3d 44 (Ala.Civ.App. 2015)( <i>Brewington</i> remains good law); 12. <i>Windham v. State ex rel. Windham</i> , 574 So.2d 853 (Ala.Civ.App 1990)(SS payments not credited to arrearage); 13. <i>Adams v. Adams</i> , 107 So.3d 194 (Ala.Civ.App. 2012); 14. <i>Goldman v. Goldman</i> , 197 So.3d 487 (Ala.Civ.App. 2015); 15. <i>Herbert v. Stephenson</i> , 574 So.2d 835 (Ala.Civ.App. 1990) |
|         |                                                                        |                                                            |                                                     |                                                                                                                                                                                                                                       |                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State  | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation                                                                                                                                         | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                             | Statutes                                                                                                                                                                                                       | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alaska | Yes                                                                    | Must onset prior to emancipation but presumption of emancipation may be overcome by evidence that an adult child is incapable of self support by reason of physical or mental disability. (Case 1) | No - Case 1, 3, 4                                   | Yes, for SSD from Soc Sec account of parent required to pay CS (Case #2, 5 - credits SS payments to child prior to motion to modify) | <b>AS 25.20.030</b> - "Each parent is bound to maintain the parent's children when poor and unable to work to maintain themselves. Each child is bound to maintain the child's parents in like circumstances." | 1. <i>Streb v. Streb</i> , 774 P.2d 798 (Alaska 1989); 2. <i>Miller v. Miller</i> , 890 P.2d 574 (Alaska 1995)(for purposes of analysis, there is no reason to distinguish between SS retirement and SS disability benefits); 3. <i>Sanders v. Sanders</i> , 902 P.2d 310 (Alaska 1995); 4. <i>Daum v. Daum</i> , 518 P.3d 718 (Alaska 2022); 5. <i>Pacana v. State</i> , 941 P.2d 1263 (Alaska 1997)(credited SS benefits paid to dependant children from obligor's SS account against CS arrearages accrued prior to obligor's motion to modify CS) |
|        |                                                                        |                                                                                                                                                                                                    |                                                     |                                                                                                                                      |                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State   | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                                           | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                  | Statutes                                                                                          | Cases                                                                                                                                                                                                                                                                                                                                                                          |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Arizona | Yes, ARS 25-320.E.2 (adult child must have "severe" disability demonstrated by inability "to live independently and be self-supporting") (example of not proving this in Case 5) | Yes - Statute 1                                            | No - Statute 1; Case 4                              | Yes, Az. Child Sup. Guidelines X(B) - offset SS from SS account of parent paying CS; but not for SSI, child's own SSD, or SS from other parent; Case 2, 3 | 1.A.R.S. 25-320.E<br>2.A.R.S. 25-809.F<br>3.Arizona Child Support Guidelines § X.B (2022 version) | 1. <i>Adu-Tutu v. Adu-Tutu</i> , 1 CA-CV 11-0262, 2012 WL 1964568 (Ariz. App. 1st Div. 2012); 2. <i>Lopez v. Lopez</i> , 609 P.2d 579 (Ariz. 1980); 3. <i>Keefer v. Keefer</i> , 239 P.3d 756 (Ariz.App.Div.1 2010); 4. <i>Mendoza v. Mendoza</i> , 177 Ariz. 603, 605, 870 P.2d 421, 423 (Ct. App. 1994); 5. <i>Gersten v. Gersten</i> , 2013 WL 267625 (Ariz. Ct. App. 2013) |
|         |                                                                                                                                                                                  |                                                            |                                                     |                                                                                                                                                           |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age            | Public Benefits Can Be Offset Against CS                                                                                  | Statutes                                                                                                                                                                                                                     | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------|------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Arkansas | Yes, Statute A.C.A. 9-12-312(a)(6)(B)                                  | Yes - Cases 1 & 8                                          | No, if there is a material change in circumstances (Case 5, 6) | Yes - Case 3, 4, 7 (SSD offset). But equitable considerations applicable when considering credit for past due CS (Case 6) | <b>A.C.A. 9-12-312(a)(6)(B)</b> "The court may also provide for the continuation of support for an individual with a disability that affects the ability of the individual to live independently from the custodial parent." | 1. <i>Towery v. Towery</i> , 685 S.W.2d 155 (Ark. 1985)("We have held the duty to support a child does not cease at majority <i>if</i> the child is mentally or physically disabled in any way <i>at</i> majority and needs support"); 2. <i>Kimbrell v. Kimbrell</i> , 884 S.W.2d 268 (Ark. 1994); 3. <i>Bagley v. Williamson</i> , 269 S.W.3d 837 (Ark.App.2007); 4. <i>Cash v. Cash</i> , 353 S.W.2d 348 (Ark. 1962); 5. <i>Guthrie v. Guthrie</i> , 2015 Ark. App. 108 (Ark. Ct. App. 2015); 6. <i>Miller v. Ark. Office of Child Support Enforcement</i> , 458 S.W.3d 733 (Ark. Ct. App. 2015); 6. <i>Grays v. Arkansas Office of Child Support Enforcement</i> , 289 S.W.3d 12 (Ark. 2008); 7. <i>Arkansas Dept. of Hum. Servs. v. Hardy</i> (871 S.W.2d 352 (Ark. 1994)("It would be incongruous to hold that a father is relieved of child support because his child is receiving public assistance as a result of the father's failure to pay the full amount of child support."), <i>Id.</i> at 356; 8. <i>Warner v. Warner</i> , 2019 Ark. App. 60, 572 S.W.3d 6, (2019). |
|          |                                                                        |                                                            |                                                                |                                                                                                                           |                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State      | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age  | Public Benefits Can Be Offset Against CS                                       | Statutes                                                                                                                                                                                                                                                                                                                                                | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| California | Yes, Statute 1                                                         |                                                            | No, adult child can bring action under 3910 any time | Yes, Statute 2; Case 5 (SSD from Soc Sec account of parent required to pay CS} | <b>1. Cal. Fam. Code 3910</b> (Parents have "equal responsibility to maintain, to the extent of their ability, a child of whatever age who is incapacitated from earning a living and without sufficient means");<br><b>2. Cal. Fam. Code 4504(b);</b><br><b>3. Cal.Fam. Code 3901</b> (Child support until earlier of completing 12th grade or age 19) | 1. <i>Paxton v. Paxton</i> , 89 P. 1083 (Cal. 1907); 2. <i>Chun v. Chun</i> , 235 Cal.Rptr.553 (Cal.App.3d Dist. 1987); 3. <i>In re Marriage of Drake</i> , 62 Cal.Rptr.2d 466 (Cal.App.2d Dist. 1997); 4. <i>Carpy v. Carpy</i> , No. A135261 (Cal.App. 1st Dist. Div.1 August 28, 2013)(Held duty imposed on parent by CFC 3910 continues after parent's death); 5. <i>In re Marriage of Denney</i> , 115 Cal.App.3d 543 (Cal.App. 2nd Dist. Div.4 1981); 6. <i>In re Marriage of Cady &amp; Gamick</i> , 105 Cal. Aoo. 5th 379 (Cal. Ct. App. 2024)(contains history of California Family Code § 3910 and Welfare and Instituions Code § 12350); 7. <i>In re Marriage of Drake</i> , 194 Cal. Rptr. 3d 252 (Cal.App. 4th Dist. 2015), as modified (Oct. 27, 2015)("Under section 3910(a), which governs adult child support, the court considers two factors. One—is the adult child incapacitated from earning a living, which is not disputed here. Two—does the adult child have sufficient means, which is disputed here.") <i>Id.</i> at 257. |
|            |                                                                        |                                                            |                                                      |                                                                                |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation                   | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                    | Statutes                                                                                                                                                                                                                                                                          | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|------------------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Colorado | Yes, Statute 1 and case law                                            | Probably yes, (Statute 1 says CS can be ordered "to continue" beyond age 19) |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Statute 2) & Case 5, 6, 7);<br><b>No</b> - for SSI - Case 2 | <b>Colorado - C.R.S. 14-10-115 -</b><br><b>1. (13)(a)(II)</b> (if "child is mentally or physically disabled" child is not emancipated and CS can be ordered to continue beyond age 19);<br><b>2. (11)(c)</b> (SS benefits received monthly) and <b>(d)</b> (lump sum SS benefits) | 1. <i>Koltay v. Koltay</i> , 667 P.2d 1374 (Colo. 1983); 2. <i>In re Marriage of Thornton</i> , 802 P.2d 1194 (Colo.App. 1990)(does not allow SSI received by child to reduce fathers CS payments); 3. <i>In re Marriage of Salas</i> , 868 P.2d 1180 (Colo.App. 1994); 4. <i>In re Marriage of Cropper</i> , 895 P.2d 1158 (Colo.App. 1995); 5. <i>In re Marriage of Robinson</i> , 652 P.2d 454 (Colo.App. Div. III. 1982); 6. <i>In re Marriage of Meek</i> , 669 P.2d 628 (Colo.App. Div. III 1983); 7. <i>In re Marriage of Anthony-Guillar</i> , 207 P.3d 934 (Colo.App.Div. IV 2009) |
|          |                                                                        |                                                                              |                                                     |                                                                                                                             |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State       | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                                           | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                 | Statutes                       | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Connecticut | Yes, but only until age 26 if court orders are issued on or after October 1, 2023. Earlier orders only require until age 21 (Conn. Gen. Stat. Ann. 46b-84(c) as amended in 2023) |                                                            |                                                     | Yes, SS received by child is included in income of obligor parent and offset (Cases 3 and 4); Case 2 was <b>No</b> but bad actions by father may have skewed the result. | Conn. Gen Stat. Ann. 46b-84(c) | 1. <i>Loughlin v. Loughlin</i> , 889 A.2d 902 (Conn. App. 2006) <i>aff'd</i> . 910 A.2d 963 (Conn. 2006); 2. <i>Fowler v. Fowler</i> , 244 A.2d 375 (Conn. 1968); 3. <i>Jenkins v. Jenkins</i> , 704 A.2d 231 (Conn. 1998)("social security dependency benefits paid to the minor children of the plaintiff's first marriage and credited against his child support obligation must be included in the plaintiff's gross income for purposes of determining the amount of his child support obligation under the guidelines." <i>Jenkins</i> at 595); 4. <i>Tarbox v. Tarbox</i> , 853 A.2d 614 (Conn.App. 2004) ("[Social Security} dependency benefits paid directly to a child who has reached the age of majority, rather than to the custodial parent, do not fulfill the obligations of court-ordered child support." <i>Tarbox</i> at 616) |
|             |                                                                                                                                                                                  |                                                            |                                                     |                                                                                                                                                                          |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State                | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS | Statutes                                                             | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Deleware             | Yes, if child unable to support self (see Statute and Cases)           |                                                            |                                                     |                                          | <b>Del. Code. Ann. Tit. 13, §503</b> - Duty to support a Poor Person | 1. <i>Dalton v. Clanton</i> , 559 A.2d 1197 (Del. 1989); 2. <i>H. v. V.</i> , No. CK16-01125, 2018 WL 824203(Del. Fam. Ct. Jan. 31, 2018)("The question that must be answered in applying Section 503 is not whether a poor person is currently being supported by one parent sufficient to protect the state's treasury. The question is whether a poor person, without any support from either parent, can avoid state assistance. If he or she cannot, the duty is triggered as to both parents, who are equally situated as to priority, with the extent of the duty determine only after a trial.) <i>Id.</i> , at 4. |
|                      |                                                                        |                                                            |                                                     |                                          |                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| District of Columbia | Yes, common law duty (Case 1)                                          |                                                            |                                                     |                                          |                                                                      | 1. <i>Nelson v. Nelson</i> , 548 A.2d 109 (D.C. App. 1988); 2. <i>Harmatz v. Harmatz</i> , 457 A.2d 399 (D.C. App. 1983); 3. <i>Nelson v. Nelson</i> , 379 A.2d 713 (D.C. App. 1977); 4. <i>Negretti v. Negretti</i> , 621 A.2d 388 (D.C. App. 1993)                                                                                                                                                                                                                                                                                                                                                                       |
|                      |                                                                        |                                                            |                                                     |                                          |                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State   | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                                                                                                 | Statutes                                                                               | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Florida | Yes, Statute 1 and Cases                                               | Yes, Statute 1; Case 7, 17, 18                             | Yes, Cases 6, 7, 8, 9, 14, 15                       | Yes, for SSD, Statute 3 at (2)(d) and (10)(b), but not direct offset; instead must factor into CS amount (Case 5, 10, 11, 12, 13); cannot be used to satisfy CS arrearage prior to SS benefits starting (Case 16); <b>No</b> for SSI (Case 13 and Statute 3 at (11)(a)2) | <b>Fla. Stat. Ann.</b><br><b>1.</b> 743.07,<br><b>2.</b> 61.13, and<br><b>3.</b> 61.30 | 1. <i>Perla v. Perla</i> , 58 So.2d 689 (Fla. 1952)("Generally, the obligation of a parent to support a child ceases when the child reaches majority, but an exception arises when the child is, from physical or mental deficiencies, unable to support himself."; 2. <i>Fincham v. Levin</i> , 155 So.2d 883 (Fla. 1st Dist.App. 1963)(affirming the dicta in <i>Perla</i> , "...where a child is of weak body or mind, unable to care for itself after coming of age, the parental rights and duties remain practically unchanged and the parent's duty to support the child continues as before."); 3. <i>Carmody v. Carmody</i> , 230 So.2d 40 (Fla. 1st Dist. App. 1970); 4. <i>Fagan v. Fagan</i> , 381 So.2d 278 (Fla. 5th Dist. App. 1980); 5. <i>Sever v. Sever</i> , 684 So.2d 313 (Fla. 1st Dist. App. 1996); 6. <i>Brown v. Brown</i> , 714 So.2d 475 (Fla. 5th Dist. App. 1998); 7. <i>Ruiz v. Ruiz</i> , 783 So.2d 361 (Fla. 5th Dist. App. 2001); 8. <i>Hastings v. Hastings</i> , 841 So.2d 484 (Fla. 3d Dist. App. 2003); 9. <i>Taylor v. Bonsall</i> , 875 So.2d 705, 709 (Fla. 5th DCA 2004); 10. <i>Williams v. Williams</i> , 560 So.2d 308 (Fla.1st DCA 1990)(SS received by child because parent receiving SS retirement benefits added to income, then credited against CS obligation); 11. <i>Wallace v. Dept. of Rev. ex rel. Cutter</i> , 774 So.2d 804 (Fla.App.2.Dist. 2000)(SS received by child because parent receiving SSD added to parent's income, then credited towards CS); 12. <i>Sealand v. Sealand</i> , 789 So.2d 401 (Fla.4th DCA 2001); 13. <i>Ford v. Ford</i> , 816 So.2d 1193 (Fla.App.2.Dist. 2002); 14. <i>Loza v. Marin</i> , 198 So. 3d 1017, 1021 (Fla. Dist. Ct. App. 2016); 15. <i>Phagan o/b/o L.D.P. v. McDuffee</i> , 296 So. 3d 957 (Fla. Dist. Ct. App. 2020); 16. <i>Kirwan v. Kirwan</i> , 606 S.W.2d 771 (Fla.5th DCA 1992); 17. <i>Miller v. Smart</i> , 636 So.2d 836 (Fla. 5th Dist. Ct.App. 1994); 18. <i>Skelly v. Skelly</i> , 300 So.3d 342 (Fla. 5th Dist. Ct. App. 2020) |
|         |                                                                        |                                                            |                                                     |                                                                                                                                                                                                                                                                          |                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State   | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled   | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age                                                                                     | Public Benefits Can Be Offset Against CS                                                                                                              | Statutes                                                                                                                                                       | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------|--------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Georgia | Yes - Case #1 held no, but Statutes 1 and 2 enacted in 2024 changed this | Yes, Statute 1 § (a)                                       | Yes, if there was CS order in place before child is 18. If not, then can be filed anytime after child is 17 and 6 months old. Statute 1 | Maybe. Cases 3, 4 allowed offset for SSD from Soc Sec account of parent required to pay CS. But Statute 2 may override this (See *** in Cases Column) | <b>Ga. Code Ann. § 1. 19-6-15.1. and 2. 19-6-15.2.</b><br>These statutes also authorize court to order CS paid to self-settled d4A or d4C special needs trusts | 1. <i>Crane v. Crane</i> , 170 S.E.2d 392 (Ga. 1969); 2. <i>Mullinax v. Mullinax</i> , 216 S.E.2d 812 (Ga. 1975) (Can take cost of care of child with disability into account when calculating alimony amount); 3. <i>Horton v. Horton</i> , 132 S.E.2d 200 (Ga. 1963); 4. <i>Perteet v. Sumner</i> , 269 S.E.2d 453 (Ga. 1980); 5. <i>Dep't of Hum. Res. v. Prince</i> , 198 Ga. App. 329, 330, 401 S.E.2d 342, 343 (1991)(distinguished <i>Horton</i> and <i>Perteet</i> cases; those said SSD paid to child from SS account of parent paying CS could be offset; in <i>Prince</i> the SS from account of deceased mother not allowed to be offset against father's CS obligation) ===== <b>*** Ga. Code Ann. § 19-6-15.2(d)</b> says, "The support provided pursuant to this Code section shall be in addition to and not in lieu of the benefits or assistance a dependent adult child may receive from a source other than his or her parents. No duty created pursuant to Code Section 19-6-15.1 nor any other provisions of this Code section shall impact the eligibility of a dependent adult child to receive the maximum benefits provided by any federal, state, local, and other governmental and public agencies." |
|         |                                                                          |                                                            |                                                                                                                                         |                                                                                                                                                       |                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State  | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age       | Public Benefits Can Be Offset Against CS                                                                                                                                          | Statutes      | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hawaii | Yes, Statute                                                           | No                                                         | No, Statute 580-47(a)(See *** in Cases column) and Case 1 | Yes, rebuttable presumption for SSD from Soc Sec account of parent required to pay CS (Case 2); but not for arrearage arising prior to obligor's entitlement to benefits (Case 3) | H.R.S. 580-47 | 1. <i>Jaylo v. Jaylo</i> , 125 Hawai'i 369 (2011); 2. <i>Child Support Enforcement Agency v. Doe</i> , 990 P.2d 1158 (Haw.App. 1999); 3. <i>Clark v. Clark</i> , 134 P.3d 625 (Haw.App. 2006)("dependent social security benefits may not be credited against child support arrearages accruing before the claimant's entitlement to the benefits." <i>Id</i> at 636)(it does not matter whether the obligor's SS benefits were from <i>disability</i> or <i>retirement</i> of the obligor).<br>===== *** <b>H.R.S. § 580-47(a)</b> . . "Provision may be made for the support, maintenance, and education of an adult or minor child and for the support, maintenance, and education of an incompetent adult child regardless of whether the petition is made before or after the child has attained the age of majority." . . . |
| Idaho  | No                                                                     |                                                            |                                                           |                                                                                                                                                                                   |               | <i>State ex rel. Cromwell v. Panzeri</i> , 76 Idaho 211, 280 P.2d 1064 (1955)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|        |                                                                        |                                                            |                                                           |                                                                                                                                                                                   |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                                                      | Statutes                                                              | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Illinois | Yes                                                                    | Yes, See Statute § (a) and Case 6                          | No, See Statute § (a) and Case 6                    | Yes, Statute § (b) allows court to consider financial resources of child, including SSI, HCBS, and any other State, federal, or local benefit; Yes also for SSD from Soc Sec account of parent required to pay CS (Case 4, 5) | <b>750 Ill. Comp. Stat. Ann. 5/513.5</b> (enacted effective 1-1-2016) | 1. <i>In re Marriage of Taylor</i> , 89 Ill.App.3d 278, 411 N.E.2d 950 (1980); 2. <i>Strom v. Strom</i> , 13 Ill. App.2d 354, 142 N.E.2d 172 (1957); 3. <i>Freestate v. Freestate</i> , 244 Ill.App. 166 (1927)(Applied common law principal of parent supporting child who has a disability and unable to support self); 4. <i>In re Marriage of Henry</i> , 622 N.E. 2d 803 (Ill.Dec. 1993); 5. <i>Childerson v. Hess</i> , 555 N.E.2d 1070 (ILL.App. 1990); 6. <i>In re Marriage of Moriarty</i> , --- N.E.3d ---, 2024 IL App (1st) 230270, 2024 WL 1340211 (Ill.App. 2024) |
|          |                                                                        |                                                            |                                                     |                                                                                                                                                                                                                               |                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State   | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                      | Statutes           | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Indiana | Yes, Statute § (a)(2)                                                  | Yes, Case # 7                                              |                                                     | Yes, for SSD (Case # 8, 9);<br>No for SSI (Case #6). See also Case #4 rejecting lower court decision that required CS to be reduced by amount child provides for own support. | Ind.Code 31-16-6-6 | 1. <i>Zakrocki v. Zakrocki</i> , 60 N.E.2d 745 (Ind.App. 1945); 2. <i>Caddo v. Caddo</i> , 468 N.E.2d 593 (Ind.App. 1984); 3. <i>Free v. Free</i> , 581 N.E.2d 966 (Ind.Ct.App. 1991); 4. <i>Lea v. Lea</i> , 601 N.E.2d 1214 (Ind. 1998); 5. <i>Dennison v. Dennison</i> , 696 N.E.2d 88 (Ind.App. 1998); 6. <i>Kyle v. Kyle</i> , 582 N.E.2d 842 (Ind.App. 1991); 7. <i>Pocialik v. Federal Cement Tile Co.</i> , 97 N.E.2d 360 (Ind.App. 1951)(en banc); 8. <i>Patrick v. Patrick</i> , 517 N.E.2d 1234 (Ind.App. 1988); 9. <i>Poynter v. Poynter</i> , 590 N.E.2d 150 (Ind.App. 1992); |
|         |                                                                        |                                                            |                                                     |                                                                                                                                                                               |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                              | Statutes                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Iowa  | Yes, Statute 2 and comon law (Case 6, 8)                               | Yes, Case 4                                                |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Statute 3 and Case 7, 8) <b>No</b> - for SSI (Case 2) | <p><b>Iowa Code Ann. 1. § 252A.3</b> (" The parents are severally liable for the support of a dependent child eighteen years of age or older, whenever such child is unable to maintain the child's self and is likely to become a public charge.");</p> <p><b>2. § 598.1(9)</b>("may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability");</p> <p><b>3. § 598.22C</b></p> | <p>1. <i>Monroe County v. Abegglen</i>, 105 N.W. 350 (Iowa 1905); 2. <i>In re Marriage of Benson</i>, 495 N.W.2d 777 (Iowa App. 1992); 3. <i>In re Marriage of Nelson</i>, 654 N.W.2d 551 (Iowa 2002); 4. <i>In re Marriage of Allen</i> , 662 N.W.2d 373; 2003 WL 554498 (Iowa App. 2003); 5. <i>State ex rel Moore v. McCampbell</i> , 786 N.W.2d 519 (Iowa App. 2010); 6. <i>Davis v. Davis</i> , 246 N.W.2d 266 (Iowa 1954); 7. <i>Potts v. Potts</i> , 240 N.W.2d 680 (Iowa 1976); 8: <i>Newman v. Newman</i> , 451 N.W.2d 843 (Iowa 1990); 8. <i>In re Marriage of Davis</i> , 462 N.W.2d 703 (Iowa App. 1990);</p> |
|       |                                                                        |                                                            |                                                     |                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State  | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age                                    | Public Benefits Can Be Offset Against CS                                                                                                                                                                     | Statutes                          | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------|------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Kansas | No, Case 1 and Statute                                                 |                                                            | Yes, Case 2, but statute limits to age 18, unless in high school, then stops at age 19 | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 4, 6, 7); but not for arrearage (Case 9); No, for SSI (Case 5); No for SS received by child from someone other than CS obligor (Case 8) | KSA 23-3001(b) (formerly 60-1610) | 1. <i>Arche v. U.S. Dept. of Army</i> , 798 P.2d 477 (Kan. 1990)("...under the earliest common law a parent was not responsible for the care of an adult incompetent child. That common-law rule was modified by our earlier decisions and by statutory law. Then, in 1967, the legislature reinstated the early common-law rule that a parent would not be liable for the support, care, and maintenance of an adult incompetent child who was in a state hospital. After careful study, and in light of the economic realities of our present society, we conclude that we should follow the lead of the Kansas Legislature and modify our decisional law. Accordingly, we hold that a parent is no longer required by law to provide support for an adult incompetent child in this state." <i>Arche</i> at 486); 2. <i>In re Marriage of Funk</i> , 107 P.3d 447 (Kan.App. 2005); 3. <i>In re Marriage of Doney and Risley</i> , 41 Kan.App.2d 294, 201 P.3d 770 (Kan.App 2009); 4. <i>Andler v. Andler</i> , 538 P.2d 649 (Kan. 1975); 5. <i>Matter of Marriage of Emerson</i> , 850 P.2d 942 (Kan.App. 1993); 6. <i>In re Marriage of Martin</i> , 95 P.3d 130 (Kan.App. 2004); 7. <i>In re Marriage of Stephenson &amp; Papineau</i> , 302 Kan. 851, 877, 358 P.3d 86, 100 (2015)(contains summary of cases concerning offsetting SSD to child from SS account of parent paying CS); 8. <i>In re Marriage of Beacham</i> , 867 P.2d 1071 (Kan.App. 1994); 9. <i>Matter of Marriage of Williams</i> , 900 P.2d 860 (Kan.App. 1995) |
|        |                                                                        |                                                            |                                                                                        |                                                                                                                                                                                                              |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                      | Statutes                                                                                                                                                                                                                                                                                                                                                                            | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Kentucky | Yes, Case 1                                                            | Yes, Case 8                                                |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 5, 6, 9); but not for arrearage (Case 10).<br>Possible, for SSI (Case 7) | Ky.Rev.Stat.Ann. 405.020(2) ("The father and mother shall have the joint custody, care, and support of their children who have reached the age of eighteen (18) and who are wholly dependent because of permanent physical or mental disability. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, care, and support of such children.") | 1. <i>Crain v. Mallone</i> , 130 S.W. 67 (Ky. 1908); 2. <i>Abbot v. Abbot</i> , 673 S.W.2d 723 (Ky.App. 1983)(a wholly dependent child is not emancipated by operation of law at the age of eighteen, and her parents' support obligation continues even after the child reaches the age of majority.); 3. <i>Nelson v. Nelson</i> , 287 S.W.3d 667 (Ky.App. 2009); 4. <i>Culver v. Culver</i> , 2013 WL 375595 (Ky.App. 2013); 5. <i>Hamilton v. Hamilton</i> , 598 S.W.2d 767 (Ky.App. 1980); 6. <i>Board v. Board</i> , 690 S.W.2d 380 (Ky. 1985); 7. <i>Barker v. Hill</i> , 949 S.W.2d 896 (Ky.App. 1997); 8. <i>Breuer v. Dowden</i> , 268 S.W. 541 (Ky.App. 1925) ("a parent is not liable for the debts of his adult child in the absence of a statute to the contrary, unless the child is in such a feeble and dependent condition physically or mentally as to be incapable of supporting himself; that if at the time the child becomes of age he is physically and mentally sound and able, if willing, to make and earn his own support, the parent is not liable for his debts or obligations thereafter contracted, even though he should later become sick or mentally unbalanced and therefore incapacitated to earn a livelihood. If, however, the child at the time of his arrival at the age of 21 is sick or otherwise incapacitated to earn a living for himself, and is, at the time, living in the home of the parent as a member of the household, the parent is liable for necessities furnished him." at 542); 9. <i>Artrip v. Noe</i> , 311 S.W.3d 229 (Ky. 2010); 10. <i>Miller v. Mille r</i> , 929 S.W.2d 202 (Ky.App 1996) |
|          |                                                                        |                                                            |                                                     |                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation                   | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                      | Statutes                                                                               | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|------------------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lousiana | Yes, see statute 2                                                     | Yes, see statute 2; Disability does not include substance abuse or addiction | No, see statute 2                                   | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 4, 5, 6); SSI is not income of custodial parent (Case 7) | La. R.S. § -<br><b>1. 9:315.22</b> and<br><b>2. 9:315.22.1</b><br>(effective 1-1-2025) | 1. <i>Mayeaux v. Mayeaux</i> , 536 So.2d 836 (La.App 1stCir. 1988). 2. <i>In re Tutorship of Blanque</i> , 700 So.2d 1077 (La.App. 5th Cir. 1997) <i>writ denied sub nom. Tutorship of Blanque</i> , 706 So.2d 979 (La. 1998), 3. <i>Hester v. Hester</i> , 874 So.2d 859 (La.App. 4th Cir. 2004); 4. <i>Dunbar v. Dunbar</i> , 276 So.2d 358 (La.App. 4th Cir. 1973); 5. <i>Folds v. Lebert</i> , 420 So.2d 715 (La.App. 1982); 6. <i>McCloud v. McCloud</i> , 544 So.2d 764 (La.App.3 Cir. 1989); 7. <i>Richard v. Richard</i> , 930 So.2d 156 (La.App.4.Cir. 2006)(SSI receivd by child cannot be counted in custodial parent's income) |
|          |                                                                        |                                                                              |                                                     |                                                                                                                               |                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                                   | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                      | Statutes                                                                                                                                        | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maine | Yes, if agreed to in divorce settlement (Case 4).<br>Yes, if not agreed to in a divorce proceeding if statute requires. See Case 1 (but the statute was later repealed). |                                                            |                                                     | No, for SSI; see Statute 1 and case 4.<br>Yes, SS received by child should be a factor (Statute 2 and Case 2; but see Case 3) | <b>1. 19-A M.R.S. 2001(5)(G);</b><br><b>2. 19-A M.R.S. 2107</b> (Must credit SS received by child if "a result of obligor parent's disability") | 1. <i>Baril v. Baril</i> , 354 A.2d 392 (Me. 1976)(appears to be good law, but relies on statute that was later repealed); 2. <i>Lund v. Lund</i> , 927 A.2d 1185 (Me. 2007); 2. <i>Ouellette v. Ouellette</i> , 687 A.2d 242 (Me. 1996)("the trial court should consider the impact of the child's receipt of social security benefits. The trial court, however, may deviate from the guidelines only if it finds that their application would be inequitable or unjust", <i>Ouellette</i> at 243); 3. <i>Wong v. Hawk</i> , 55 A.3d 425 (Me. 2012)(Statutory offset of SS received by child not allowed because obligor parent retired, not disabled); 4. <i>Weston v. Weston</i> , 40 A.3d 934 (Me. 2012)("support" includes custodial parent's provision of physical and emotional support, in addition to financial support)(SSI received by child is not considered, citing statute 1); |
|       |                                                                                                                                                                          |                                                            |                                                     |                                                                                                                               |                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                         | Statutes                                                                                                                                             | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maryland | Yes, Case 1, 2, 3 and Statute 3                                        | No, Case 3, 4                                              |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 5) See also Statute 1 (requires offset of child support paid if benefit received by child is from obligor parent's account) | <b>Md. Code, Family Law §</b><br><b>1. 12-204(j);</b><br><b>2. 13-101</b> (See *** in Cases column)<br><b>3. 13-102(a)</b> (See +++ in Cases column) | 1. <i>Borchert v. Borchert</i> , 45 A.2d 463 (Md. 1946); 2. <i>Smith v. Smith</i> , 176 A.2d 862 865 (Md.App. 1962)("It is significant, we think, that at the first opportunity after the Borchert decision further legislative action was in fact taken. At its 1947 session the Legislature enacted an act.... making it a criminal offense for a parent, possessing the means, to fail to provide for a destitute adult child where mental or physical infirmity makes it impossible for the child to care for itself. The passage of this act is a clear indication of legislative intent to place failure to support an incapacitated child on equal footing with failure to support a minor child.") 3. <i>Sininger v. Sininger</i> , 479 A.2d 1354 (Md. 1984); 4. <i>Presley v. Presley</i> , 500 A.2d 322 (Md.Spec.App. 1985); 5. <i>Cutts v. Trippe</i> , 57 A.3d 1006 (Md.Spec.App. 2012); 6. <i>Anderson v. Anderson</i> , 700 A.2d 844 (Md.App. 1997); 7. <i>Fizzaland v. Zahn</i> , 97 A.3d 184 (Md. App. 2014)(contains discussion of what is required to be a destitute adult child);<br>=====Statute_Wording=====<br>*** <b>13-101</b> "destitute adult child" means "an adult child who: (1) has no means of subsistence, and (2) cannot be self-supporting, due to mental or physical infirmity "<br>=====<br>+++ <b>13-102(a)</b> "If a destitute adult child is in this State and has a parent who has or is able to earn sufficient means, the parent may not neglect or refuse to provide the destitute adult child with food, shelter, care, and clothing." |
|          |                                                                        |                                                            |                                                     |                                                                                                                                                                                                  |                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                      | Statutes                                                                                                                                                                                                                                                                                                                                                                             | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mass. | Yes, Case 1, but child was under guardianship (see Case 6)             |                                                            |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 3, 4, 5) | <b>MA. G.L. c. 208, § 28</b> (" The court may make appropriate orders of maintenance, support and education of any child who has attained age eighteen but who has not attained age twenty-one and who is domiciled in the home of a parent, and is principally dependent upon said parent for maintenance." Age expands to 23 if child pursuing education not beyond undergraduate. | 1. <i>Feinberg v. Diamant</i> , 389 N.E.2d 998 (Mass. 1979); 2. <i>Viccaro v. Milunsky</i> , 551 N.E.2d 8 (Mass. 1990); 3. <i>Cohen v. Murphy</i> , 330 N.E.2d 473 (Mass. 1975); 4. <i>Rosenberg v. Merida</i> , 697 N.E.2d 987 (Mass. 1998); 5. <i>Schmidt v. McCulloch-Schmidt</i> , 11 N.E. 3d 1009 (Mass. App. Ct. 2014)(SSDI received by child from custodial parent's Social Security account is income to custodial parent for calculation of child support obligation of non-custodial parent, but is not offset against non-custodial parent's child support obligation); 6. <i>Vaida v. Vaida</i> , 19 N.E. 3d 423 (Mass. App. Ct. 2014)(child support cannot continue after age 23, as required by G.L. c. 208, § 28. Court can use equity to extend beyond that age, but only if child is under guardianship) |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                                           | Statutes                                                                                                                                                                                                                                                                                                                   | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Michigan | No, not after child is 19 and 1/2 years old (Statute 1)                |                                                            |                                                     | Yes, if paid to custodial parent for SSDI for child from Soc Sec account of parent required to pay CS (Case 3, 6), but not if paid directly to the child ( Case 4) or from SS account of custodial parent (Case 7) | <b>1. M.C.L.A. § 552.605b.</b><br><b>2. See also Michigan Child Support Formula Manual § 3.07(A)(2)</b><br>("Determine the monthly (SS) benefit amount that is attributable to the payer and that the support recipient receives for the children and then subtract that amount from the total child support obligation.") | 1. <i>Smith v. Smith</i> , 447 N.W.2d 715 (Mich. 1989); 2. <i>Cross v. Cross</i> , 279286, 2008 WL 5003016 (Mich.App. 2008); 3. <i>Frens v. Frens</i> , 478 N.W.2d 750 (Mich.App. 1991); 4. <i>Jenerou v. Jenerou</i> , 200 Mich.App 265 (1993); 5. <i>Paulson v. Paulson</i> , 254 Mich.App 568 (2002); 6. <i>Fisher v. Fisher</i> , 276 Mich.App 424 (2007); 7. <i>Gusmano v. Gusmano</i> , 2011 WL 4424417 (Mich. Ct. App. 2011)(SSDI for disabled child from SS account of custodial parent cannot be offset against child support obligation of non-custodial parent) |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State     | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation                                                                                                                               | Request for Adult CS Must Occur before Majority Age                     | Public Benefits Can Be Offset Against CS                                                                                                        | Statutes                                                                                                                                                                                                                                               | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minnesota | Yes, if "incapable of self-support) (see Statute 1)                    | Not clear answer, but CS order can be modified if "terms are unreasonable or unfair" because something "(2) substantian-tially increased... need of... the child" (Minn. Stat. 518.39.2) | No, but cannot reopen prior judgment unless comply with statute, Case 2 | Yes, for SSD from Soc Sec account of parent required to pay CS (Statute 2 and Case 5, 6). Contra is Case 4, but unusual facts may explain that. | <b>Minn.Stat. § - 1. 518A.26.5</b> ("Child means ... an individual who, by reason of physical or mental condition, is incapable of self-support.");<br><b>2. 581A.31</b> (how SS is treated;<br><b>3. 518A.39</b> (how to modify child support awards) | 1. <i>McCarthy v. McCarthy</i> , 222 N.W.2d 331 (Minn. 1974); 2. <i>Krech v. Krech</i> , 624 N.W.2d 310 (Minn.App. 2001); 3. <i>State ex rel. Jarvela v. Burke</i> , 678 N.W.2d 68 (Minn.App. 2004), <i>review denied</i> (Minn. July 20, 2004); 4. <i>Hanratty v. Hanratty</i> , A10-1346, 2001 WL 891178 (Minn.App. 2011) (Constitutional equal protection argument denied); 5. <i>Holmberg v. Holmberg</i> , 578 N.W.2d 817 (Minn.App. 1998); 6. <i>In re Ramsey County ex rel. Pierce County, Wis.</i> , 645 N.W.2d 747 (Minn.App. 2002)(Father receiving SSD and is beneficiary of SNT established by his parents, who support him. No further discussion of SNT, but appears to be third party-settled. In-kind support from parents (father lived with parents) was not counted as "income" to father for calculation of father's CS obligation.); 7. <i>In Re Dakota County</i> , 866 N.W.2d 905, (Minn. 2015)(description of how CS amount is altered when SS benefits received). |
|           |                                                                        |                                                                                                                                                                                          |                                                                         |                                                                                                                                                 |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State       | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                     | Disability Must Onset Before Majority Age, or Emancipation                                                                                                                                                                             | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                | Statutes                                                                                                                                                           | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mississippi | There is no statutory or common law duty to support an emancipated child (Case 8, which distinguishes Case 7 on the facts) | No, CS order may be modified when there is change in circumstances unanticipated at time CS order issued, and one of the reasons cited is the "health and special needs of the child, both physical and psychological" (Case 1 at 215) |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 5, 6, 9, 10); No, for SSI (Case 9) | Miss. Code Ann. § 1. 93-5-23;<br>2. 93-11-65(8) (duty of support of child terminates at emancipation, which happens at age 21 unless child is emancipated earlier) | 1. <i>Adams v Adams</i> , 467 So.2d 211 (Miss.1985); 2. <i>Duncan v. Duncan</i> , 556 So.2d 346 (Miss. 1990); 3. <i>Little v. Little</i> , 878 So.2d 1086 (Miss.App. 2004); 4. <i>Broome v. Broome</i> , 75 So.3d 1132 (Miss.App. 2011); 5. <i>Hays v. Alexander</i> , 114 So.3d 704 (Miss. 2013); 6. <i>Mooneyham v. Mooneyham</i> , 420 So.2d 1072 (Miss. 1982); 7. <i>Ravenstein v. Ravenstein</i> , 167 So. 3d 210, 214 (Miss. 2014); 8. <i>Burrell v. Burrell</i> , 289 So. 3d 749, 754 (Miss. Ct. App. 2020); 9. <i>Hammett v. Woods</i> , 602 So.2d 825 (Miss. 1992); 9. <i>Bradley V. Holmes</i> , 561 So.2d 1034 (Miss. 1990); 10. <i>Chapman v. Ward</i> , 2 So.3d 790 (Miss.App 2008); |
|             |                                                                                                                            |                                                                                                                                                                                                                                        |                                                     |                                                                                                         |                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                  | Statutes                                                                                                                                                                                                                     | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Missouri | Yes, Statute and caselaw                                               | Yes, Case 9, 11, 12                                        | No, Case 9, 4, 11                                   | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 13, 15, 18, 19, 20- adult child). =====<br>No, for SSI (Case 16, 17) | R.S.Mo. § 452.340.4 ("If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.") | 1. <i>Fower v. Fower Estate</i> , 448 S.W.2d 585 (Mo. 1970); 2. <i>In re Marriage of D.R.S.</i> , 817 S.W.2d 615 (Mo.App.S.D. 1991); 3. <i>Heider v. Heider</i> , 822 S.W.2d 446 (Mo.App.E.D. 1991); 4. <i>Racherbaumer v. Racherbaumer</i> , 844 S.W.2d 502 (Mo.App.E.D. 1992); 5. <i>Harris v. Rattini</i> , 855 S.W.2d 410 (Mo.App.E.D. 1993); 6. <i>Mason v. Mason</i> , 873 S.W.2d 631 (Mo.App.E.D. 1994); 7. <i>Speight v. Speight</i> , 933 S.W.2d 879 (Mo.App.W.D. 1996); 8. <i>King v. King</i> , 969 S.W.2d 903 (Mo.App.W.D. 1998); 9. <i>Bright v. Bright</i> , 989 S.W.2d 196 (Mo.App.S.D. 1999); 10. <i>Clark v. Clark</i> , 20 S.W.3d 562 (Mo.App.W.D. 2000); 11. <i>Lueckenotte v. Lueckenotte</i> , 34 S.W.3d 387 (Mo. 2001); 12. <i>Hicks v. Quednow</i> , 197 S.W.3d 217 (Mo.App.W. D. 2006); 13. <i>McClasky v. McClasky</i> , 543 S.W.2d 832 (Mo.App.E.D. 1976); 14. <i>Hohenberg v. Hohenberg</i> , 703 S.W.2d 555 (Mo.App.E.D. 1985); 15. <i>Weeks v. Weeks</i> , 821 S.W.2d 503 (Mo. 1971); 16. <i>State ex rel. Dept. of Social Services Div. of Child Support Enforcement v. Kost</i> , 964 S.W.2d 528 (Mo.App. W.D. 1998); 17. <i>Lewis v. Department of Social Services</i> , 61 S.W.3d 248 (Mo.App. W.D. 2001)("Whether income from a trust should be included in determining appropriate amount of child support depends upon type of trust involved and intent of settlor." Lewis, at 256)("The special needs trust established for [the beneficiary] as a result of the medical malpractice claim and the monthly income received from the trust do not diminish [the father's] child support obligations."...[the beneficiary's] income from the special needs trust does not make the presumptive correct child support amount unjust or inappropriate." Lewis , at 258); 18. <i>Adams v. Adams</i> , 108 S.W.3d 821 (Mo.App.W.D. 2003); 19. <i>Holtgrewe v. Holtgrewe</i> , 155 S.W.3d 784 (Mo.App.E.D. 2005); 20. <i>Smith v. Smith</i> , 202 S.W.3d 83 (Mo.App.E.D. 2006) |
|          |                                                                        |                                                            |                                                     |                                                                                                                                           |                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State   | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                               | Disability Must Onset Before Majority Age, or Emancipation                                       | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                   | Statutes                                                                                                                                                                                                       | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Montana | No duty to pay statutory CS (all cases), but is duty to support disabled adult child (Case 1, applying Statute; supported by Case 7) | No cases found, but Statute does not limit when child becomes unable to provide self-maintenance |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 5, 6) | Mont. Code Ann. § 40-6-214 ("It is the duty of the father and the mother of any poor person who is unable to provide self-maintenance by work to maintain that person to the extent of the parent's ability.") | 1. <i>In re Guardianship of M.A.S.</i> , 266 P.3d 1267 (Mont. 2011); 2. <i>Hurley v. Hurley</i> , 721 P.2d 1279 (Mont. 1986); 3. <i>Herrig v. Herrig</i> , 648 P.2d 758 (Mont. 1992); 4. <i>In re Marriage of Perkins</i> , 908 P.2d 208 (Mont. 1995) (All cases hold no duty to pay child support after age of majority unless there has been a voluntary agreement to do so, but Case #1 imposes duty on parent to support child who is unable to provide self-maintenance through work); 5. <i>In re Marriage of Durbin</i> , 823 P.2d 243 (Mont. 1991); 6. <i>In re Marriage of Cowan</i> , 928 P.2d 214 (Mont. 1996); 7. <i>North Pacific Ins. Co. v. Stunky</i> , 338 P.3d 56 (Mont. 2014) |
|         |                                                                                                                                      |                                                                                                  |                                                     |                                                                            |                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                                                                 | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                                                                   | Statutes                                                                                                                                                                                                                                                                       | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Nebraska | No, unless the parents agree. "[a]s a general rule, absent agreement of the parties, a Nebraska district court cannot order a party to pay child support beyond the age of majority." (Case 11 at 606) |                                                            |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 5, 6, 8, 12; Allotments under Service-men's Depen-dents Act, Case 7). But SS paid because of child's disability are not used to offset CS obliga-tion (Case 8. 9, 10) | <b>Neb. Rev. Stat. § 1. 42-364; 2. 42-371.01(1)</b> ("An obligor's duty to pay child support for a child terminates when (a) the child reaches nineteen years of age... unless the court order for child support specifically extends child support after such circumstances.) | 1. <i>Waldbaum v. Waldbaum</i> , 107 N.W.2d 407 (Neb. 1961); 2. <i>Meyers v. Meyers</i> , 383 N.W.2d 784 (Neb. 1986); 3. <i>Zetterman v. Zetterman</i> , 512 N.W.2d 622 (Neb. 1994); 4. <i>Henderson v. Henderson</i> , 653 N.W.2d 226 (Neb. 2002) (all cases enforce statute requiring CS for only minor children - those unmarried under age 19); 5. <i>Schulze v. Jensen</i> , 214 N.W.2d 591 (Neb. 1974); 6. <i>Hanthorn v. Hanthorn</i> , 460 N.W.2d 650 (Neb. 1990); 7. <i>Hopwood v. Hopwood</i> , 100 N.W.2d 833 (Neb. 1960); 8. <i>Brewer v. Brewer</i> , 509 N.W.2d 10 (Neb. 1993); 9. <i>Johnson v. Johnson</i> , 862 N.W.2d 740 (Neb. 2015); 10. <i>Burcham v. Burcham</i> , 886 N.W.2d 536 (Neb. Ct. App. 2016); 11. <i>Radmanesh v. Radmenesh</i> , 996 N.W.2d 592 (Neb. 2023); 12. <i>Hartman v. Hartman</i> , 622 N.W.2d 871 (Neb. 2001) |
|          |                                                                                                                                                                                                        |                                                            |                                                     |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State  | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                                                                         | Statutes                                                                                                                                                                                                                                                                                                         | Cases                                                                                                                            |
|--------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Nevada | Yes                                                                    | Yes, required by Statute                                   | No (Case 2)                                         | Child's SS benefit received because of CS obligor's SS account to be offset against the obligor's payment (Nevada Child Support Guidelines); Child is self-supporting if public assistance is sufficient to meet the child's needs (Statute § 2) | <b>Nev. Rev. Stat. § 125B.110</b> ("1. A parent shall support beyond the age of majority his or her child with a handicap until the child is no longer handicapped or until the child becomes self-supporting. The handicap of the child must have occurred before the age of majority for this duty to apply.") | 1. <i>Edgington v. Edgington</i> , 80 P.3d 1284 (Nev. 2003); 2. <i>Davitian-Kostanian v Kostanian</i> , 534 P.3d 700 (Nev. 2023) |
|        |                                                                        |                                                            |                                                     |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                  |                                                                                                                                  |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State         | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                                                                                                             | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age                                                                                                                                                                                | Public Benefits Can Be Offset Against CS                                      | Statutes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New Hampshire | Yes, but only until age 21 or no longer qualifies as a child with a disability, as defined in RSA 186-C:2, I, who is receiving special education or special education and related services as identified by the child's school district. (statute) | Yes, but based on old statute (Case 1)                     | Case 1 held Yes, but based on old statute. 2013 revision of statute states "If the parties have a child with disabilities, the court may initiate or continue the child support obligation after the child reaches the age of 18." | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 2, 3, 4) | <b>N.H.Rev.Stat. Ann. 461-A:14 <u>Effective 7-1-2025</u></b> - (IV..."If the parties have a child with disabilities, the court may initiate or continue the child support obligation after the child reaches the age of 18. No child support order for a child with disabilities may continue after the child reaches age 21 or no longer qualifies as a child with a disability, as defined in RSA 186-C:2, I, who is receiving special education or special education and related services as identified by the child's school district. .") | 1. <i>In re Jacobson</i> , 842 A.2d 77 (N.H. 2004) (Statute relied on was repealed in 2005. New statute 461-A:14.IV and IV-a allows initiation or continuation of CS after child with a disability reaches age 18. 2013 amendment cuts off all child support at age 21, but 2024 amendment extends if child is receiving special ed and related services as identified by the child's school district. Also, termination of child support is deemed to be substantial change of circumstances for purposes of modification of child support under RSA 458-C:7); 2. <i>Griffin v. Avery</i> , 424 A.2d 175 (N.H. 1980); 3. <i>In re Angley-Cook</i> , 855 A.2d 431 (N.H. 2004) 4. <i>In re State ex rel. Taylor</i> , 904 A.2d 619 (N.H. 2006) |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State      | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation                                                                                                                                                                                      | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                         | Statutes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New Jersey | Yes, based on common law and statutes 1, 2                             | Yes, Cases 1, 5 and Statute 2 § b.(1)(c) ("the child has a physical or mental disability, as determined by a federal or State government agency, that existed prior to the child reaching the age of 19 and requires continued child support.") | Yes, Case 1 and Statute 1 and also see Statute 2    | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 4). But Statute 1 lists "the child's eligibility for public benefits and services" as one factor for the court to consider. | <b>N.J. Stat. Ann. § 1. 2A:34-23.a</b> - "The obligation to pay support for a child who has not been emancipated by the court shall not terminate solely on the basis of the child's age if the child suffers from a severe mental or physical incapacity that causes the child to be financially dependent on a parent. The obligation to pay support for that child shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent." See also *** in Cases column.<br><b>2. 2A:17-56.67. 1 a(2)</b> | 1. <i>Kruvant v. Kruvant</i> , 100 N.J.Super.107 (App.Div. 1968); 2. <i>Mascuillo v. Mascuillo</i> , A-3392-08T2, 2010 WL 256024 (N.J.Super. App.Div. 2010); 3. <i>Mazyk v. Cozze</i> , 2012 WL 6115682 (N.J.Super.A.D. 2012)("in order to take advantage of certain Medicaid benefits, Cozze voluntarily gave up the settlement assets by creating the self settled Trust. The trial judge recognized that those assets are not available to satisfy Cozze's child support obligations. However, the distribution of those assets is a resource which the trial judge appropriately considered available for support." <i>Mazyk</i> , at 4); 4. <i>Pasternak v. Pasternak</i> , 708 A.2d 1235 (N.J.Super. 1997); 5. <i>Turkheimer v. Burke</i> , No. A-1819-14T1, 2017 WL 244104 (N.J. Super. Ct. App. Div. Jan. 20, 2017)(Burden on party seeking to continue child support after child reaches majority to prove child is not emancipated) ===== <b>*** Statute 1 says</b> "As used in this section "severe mental or physical incapacity" shall not include a child's abuse of, or addition to, alcohol or controlled substances." |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State             | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age                                          | Public Benefits Can Be Offset Against CS                                                                                                                          | Statutes | Cases                                                                                                                                                                                                                                                                                                       |
|-------------------|------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>New Mexico</b> | Yes, under common law, not statute (Case 1)                            | Yes, Cases 1, 2                                            | A child is not emancipated if severely disabled before reaching age of majority (Cases 1, 2) | Yes, for SSD from Soc Sec account of parent required to pay CS (Cases 3, 4), but not if Soc Sec is child's benefit rather than received through a parent (Case 5) |          | 1. <i>Cohn v. Cohn</i> , 934 P.2d 279 (N.M.App. 1996); 2. <i>Fitzgerald v. Valdez</i> , 427 P.2d 655, 659 <i>dicta</i> (N.M. 1967); 3. <i>Mask v. Mask</i> , 620 P.2d 883 (N.M. 1980); 4. <i>Romero v. Romero</i> , 682 P.2d 201 (N.M.App. 1984); 5. <i>Gonzales v. Shaw</i> , 428 P.3d 280 (N.M.App. 2018) |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                                                  | Disability Must Onset Before Majority Age, or Emancipation                      | Request for Adult CS Must Occur before Majority Age      | Public Benefits Can Be Offset Against CS                              | Statutes                                                                                                                                                                                                                                                                                                                                                                              | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New York | Yes, until age 26 if "developmentally disabled," resides with person seeking support, and principally dependant on such person for maintenance (Statute 1); Prior case held No (Case 3) | Yes, prior to age 22 to meet definition of Developmentally Disabled (Statute 3) | Possibly No. Statutes 1 and 2 impose no such restriction | No, Case 4, 5, 7, 8, 9; It is only one factor to consider (Case 6, 7) | <p><b>1. N.Y. Fam.Ct.Act (FCA)§413-b</b> (see description in second column of this chart);</p> <p><b>2. FCA §415</b> (requires support of child under age 21 even if child is receiving public assistance or institutionalized);</p> <p><b>3. N.Y. MHY, Title A, Art. 1, § 103(22)</b> - (Definition of "developmentally disabled" includes requirement of onset prior to age 22)</p> | <p>1. <i>Cromwell v. Benjamin</i> , 41 Barb. 558 (N.Y.Sup.Ct. 1863)(Imposed common law duty on parent to support adult child who "was an invalid unable to support herself by labor"); 2. <i>Halstead v. Halstead</i> , 239 N.Y.S. 422 (1930); 3. <i>Beiter v. Beiter</i> , 539 N.Y.S.2d 271 (N.Y.Sup.Ct. 1989); 4. <i>Hollister v. Whalen</i> , 663 N.Y.S.2d 918 (1997); 5. <i>In Matter of Graby v. Graby</i> , 664 N.E.2d 488 (N.Y.App. 1996). 6. <i>Arnoldt v. Arnoldt</i> , 554 N.Y.S.2d 396 (1990); 7. <i>Weymouth v. Mullin</i> , 42 A.D.2d 681, 839 N.Y.S.2d 600 (N.Y.App.3D New York 2007); 8. <i>Bouie v. Joseph</i> , 935 N.Y.S.2d 276 (N.Y.App.Div.2.Dept. 2012); 9. <i>Holeck v. Beyel</i> , 145 A.D.3d 1600, 43 N.Y.S.3d 816, 817 (2016)</p> |
|          |                                                                                                                                                                                         |                                                                                 |                                                          |                                                                       |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State          | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                                                                                                                                                           | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS | Statutes                                                                    | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North Carolina | Case 1 held Yes under the common law. However, Statute 1 changed this to No. But may be required to pay CS past age 18 if child under age 20 and not graduated HS; or if child is enrolled in cooperative high school program, CS stops after completion of 4th year or enrollment (See Statute) |                                                            |                                                     |                                          | <b>N.C. Gen. Stat. Ann. §</b><br><b>1.</b> 50-13.4(c);<br><b>2.</b> 50-13-8 | 1. <i>Wells v. Wells</i> , 227 N.C. 614, 22 S.E.2d 31 (N.C. 1947) (applying the common law rule that parent has duty to support adult child who suffers from mental or physical incapacity); 2. <i>Yates V. Dowles</i> , 93 N.C.Aoo. 787, 370 S.E.2d 79 (1989)(explains how 1971 amendment to Statute #2 removes original requirement that followed <i>Well s</i> and eliminted duty to support adult disabled child) ; 3. <i>Hendricks v. Sanks</i> , 545 S.E.2d 779 (N.C.App. 2001); 4. <i>Martin v. Martin</i> , 636 S.E.2d 340 (N.C.App. 2006)(no duty to support adult child, but agreement to do so will be enforced); 5. <i>Swink v. Swink</i> , 6 N.C.App. 161, 169 S.E.2d 539 (1969)(spendthrift trust established by will of deceased grandmother for the benefit of non-custodial parent can be breached for purpose of paying CS owed by trust's beneficiary) |
|                |                                                                                                                                                                                                                                                                                                  |                                                            |                                                     |                                          |                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State        | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                   | Statutes                                                                                                                                                                                                                                                                                                                                                                                         | Cases                                                                                                                                                                                                                                                                               |
|--------------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North Dakota | Possibly, under filial statute 3 (see analysis in Case 1)              |                                                            |                                                     | Yes, Statute requires offset (Statute 4)(See also Case 3, 4); Prior caselaw was default presumption is that SSD from Soc Sec account of parent required to pay CS (Case 2) | <b>N.D. Cent. Code Ann. §</b><br><b>1.</b> 14-09-08;<br><b>2.</b> 14-09-08.2;<br><b>3.</b> 14-09-10;<br><b>4. N.D. Admin. Code - Child Support Guidelines § 75-02-04.1-02.10 -</b><br>Payment of children's benefits made to or on behalf of child not living with obligor must be credited as payment toward obligor's obligation in month intending to cover, but not towards any other month. | <b>1. Wiedrich v. Wiedrich</b> , 179 N.W.2d 728 (N.D. 1970)(interpreting filial statute 14-09-10); <b>2. Guthmiller v. Guthmiller</b> , 448 N.W.2d 643 (N.D. 1989); <b>3. Tibor v. Bendrick</b> , 593 N.W.2d 395 (N.D. 1999); <b>4. Davis v. Davis</b> , 780 N.W.2d 707 (N.D. 2010) |
|              |                                                                        |                                                            |                                                     |                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                     |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                    | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age                                                        | Public Benefits Can Be Offset Against CS                                                                                                                                                                                                                                   | Statutes                                                                                                            | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ohio  | Yes, Statutes 1, 2, 3 and common law duty (Case2). Child must be mentally or physically disabled and incapable of self-supporting (Statute 2 and Case 15) | Yes, Case 2                                                | No, Statute 1 (effective 3-20-2025) Split in Districts: <b>No</b> - Cases 3, 6, 7, 8. <b>Yes</b> - Case 10 | <b>Yes</b> , for SSD from Soc Sec account of parent required to pay CS (Case 12, 13, 14) and for arrearage from time child's SS benefit received, but not arrearage accrued prior to SS benefit (Case 20); <b>No</b> , for SSI (Cases 1, 2) and Adoption subsidy (Case 17) | <b>Ohio Rev. Code §</b><br><b>1.</b> 3119.11;<br><b>2.</b> 3119.86 ;<br><b>3.</b> 3109.20 (all effective 3-20-2025) | 1. <i>Oatley v. Oatley</i> , 387 N.E.2d 245 (Ohio App. 6th Dist. 1977); 2. <i>Castle v. Castle</i> , 473 N.E.2d 803 (Ohio 1984); 3. <i>Abbas v. Abbas</i> , 715 N.E.2d 613 (Ohio App. 7th Dist. 1998); 4. <i>Yost v. Yost</i> , 2003 WL 21652172, 2003-Ohio-3754 (Ohio App. 4th Dist. 2003); 5. <i>Bailey v. O'Hare</i> , 2006 WL 164917, 2006-Ohio-239 (Ohio App. 2 Dist. 2006)(constitutional equal protection argument rejected); 6. <i>Wiczynski v. Wiczynski</i> , 2006 WL 456762, 2006-Ohio-867 (Ohio App, 6th Dist. 2006); 7. <i>In re Edgell</i> , 2010 WL 5550224, 2010-Ohio-6435 (Ohio App. 11 Dist. 2010); 8. <i>Donohoo v. Donohoo</i> , 2012 WL 3893784, 2012-Ohio-4105 (Ohio App. 12th Dist. 2012); 9. <i>In re Palcisco</i> , 2012 WL 6727405, 2012-Ohio-6134 (Ohio App. 11th Dist. 2013) appeal not allowed, 986 N.E.2d 1-22 (Ohio 2013); 10. <i>Geygan v. Geygan</i> , 973 N.E.2d 276 (Ohio App. 10th Dist. 2012); 11. <i>Myers v. Myers</i> , 2006-Ohio-5360, 2006 WL 2925353 (Ohio App. 6 Dist. 2006); 12. <i>Williams v. Williams</i> , 727 N.E.2d 895 (Ohio 2000); 13. <i>Marder v. Marder</i> , 2008 WL 2168415 (Ohio App. 12 Dist. 2008); 14. <i>Alexander v. Alexander</i> , 2009 WL 3681670 (Ohio App. 10 Dist. 2009); 15. <i>Fenstermaker v. Fenstermaker</i> , 57 N.E.3d 206 (Ohio App. 2015); 16. <i>Clay v. Clay</i> , 190 N.E.3d 40 (Ohio App. 2022)(describing the codification of common law rule in Castle and refusing to apply doctrine of res judicata to child support modification cases); 17. <i>Million v. Million</i> , 2020 WL 5989214 (Ohio App, 2nd Dist. 2020); 18. <i>Patton v. Patton</i> , 742 N.E.2d 619 (Ohio 2001); 19. <i>Styer v. Styer</i> , 2006 WL 319248 (Ohio App, 3rd Dist. 2006); 20. <i>Pride v. Nolan</i> , 511 N.E.2d 408 (Ohio App, 1st Dist. 1987) |
|       |                                                                                                                                                           |                                                            |                                                                                                            |                                                                                                                                                                                                                                                                            |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                                                                               | Statutes                                                                                 | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oklahoma | Yes, Statute 1 and Case law                                            | Yes, Statute 1, Case 1                                     | No - Statute 1 and Case 1                           | Yes, for SSD from Soc Sec account of parent required to pay CS (Statute 3 and Case 3, 4, 5);<br>Possibly, Case 1 dictum; SS received by child from SS account not belonging to either parent is income of child, not applied to either parent (Case 2) | <b>43 Okla. Stat. §</b><br><b>1.</b> 112.1A.;<br><b>2.</b> 118B.B.4;<br><b>3.</b> 118B.F | 1. <i>Gregory v. Gregory</i> , 259 P.3d 914 (Okla.App.Div. 1 2011). 2. <i>Gambill v. Gambill</i> , 137 P.3d 685 (Ok.Civ.App.Div.2 2006); 3. <i>Baker v. Baker</i> , 923 P.2d 1198 (Ok.Civ.App.Div.3 1996); 4. <i>Wilson v. Stenwall</i> , 868 P.2d 1317 (Okla.App.Div. 3 1992)(parent not entitled to credit for SS received by child as result of other parent's entitlement); 5. <i>Nibs v. Nibs</i> s, 625 P.2d 1256 (Okla. 1981) |
|          |                                                                        |                                                            |                                                     |                                                                                                                                                                                                                                                        |                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                      |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State  | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                             | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                   | Statutes                                                                                                                                                                                                                 | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oregon | Yes, common law and statute (filial law), but only by direct action by child, not as child support |                                                            | No, Case 1                                          | No, but unusual facts in the case (see Case 2). Possibly, see Case 3       | <b>O.R.S. §109.010</b> ("Duty of support. Parents are bound to maintain their children who are poor and unable to work to maintain themselves; and children are bound to maintain their parents in like circumstances.") | 1. <i>Haxton by Haxton v. Haxton</i> , 705 P.2d 721 (Or. 1985)(excellent discussion of common law requiring parents to support children, whether minor or adult and unable to provide for self-support); 2. <i>Matter of Marriage of Cope</i> , 631 P.2d 781 (Or. 1981)(court refused to allow SS payments paid for child based on father's SS earnings to be offset against father's CS obligation. Father had not sought modification, and years later asked that child's SS be credited against father's CS obligation that had accrued because payments were not run through the state's CS processing agency.); 3. <i>Matter of Marriage of Lawhorn</i> , (850 P.2d 1126 (Or.App. 1993)("The trial court did err, however, in simply assuming that the social security benefits automatically offset the parents' child support obligations. They may or may not, depending on the facts of each case. The proper procedure is for the trial court to consider the effect of the receipt of the social security benefits on the needs of the child. Then, if appropriate, the court may make "a written finding or a specific finding on the record" that, because of the social security benefits, the presumed obligation dictated by the guidelines is "unjust or inappropriate." <i>Lawhorn</i> , at 229); 4. <i>Shelley v. Shelley</i> , 354 P.2d 282 (Or. 1960). |
| Penn.  | Yes, statute and Cases 1, 2, 3, 4, 5 (caselaw based on common law and statute)                     | Yes, Case 3, 5, 9                                          | No, Case 5                                          | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 6, 7) | <b>23 Pa. C.S. § 4321(3)</b> ("Parents may be liable for the support of their children who are 18 years of age or older")                                                                                                | 1. <i>Com.ex rel. Cann v. Cann</i> , 418 A.2d 403 (Pa.Super. 1980); 2. <i>Crawford v. Crawford</i> , 633 A.2d 155 (Pa.Super. 1993); 3. <i>Heitzman-Nolte v. Nolte</i> , 837 A.2d 1182 (Pa.Super. 2003); 4. <i>Kotzbauer v. Kotzbauer</i> , 937 A.2d 487 (Pa.Super. 2007); 5. <i>Style v. Shaub</i> , 955 A.2d 403 (Pa.Super. 2008); 6. <i>Children &amp; Youth Services v. Chorgo</i> , 491 A.2d 1374 (Pa.Super. 1985)(Parent receiving Social Security Disability); 7. <i>Preston v. Preston</i> , 646 A.2d 1186 (Pa.Super. 1994)(Parent receiving Social Security Retirement)(rebuttable presumption that a credit for SS received by child is offset against parent's CS obligation); 8. <i>Mencer v. Ruch</i> , 928 A.2d 294 (Pa.Super. 2007); 9. <i>Hanson v. Hanson</i> , 625 A.2d 1212 (Pa. Super. 1993); 10. <i>Ricco v. Novitski</i> , 874 A.2d 75 (Pa.Super. 2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State          | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation                                                                                                                                          | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                | Statutes                                                                                                                    | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                |                                                                        |                                                                                                                                                                                                     |                                                     |                                                                         |                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Rhode Island   | Yes, by Statute 1                                                      | Yes, by Statute 1                                                                                                                                                                                   | No, by Statute 1                                    | Yes, Case 3                                                             | <b>1. R.I. Gen. Laws 15-5-16.2(b)</b>                                                                                       | 1. <i>Siravo v. Siravo</i> , 424 A.2d 1047 (R.I. 1981)(not extended by <i>Pierce v. Pierce</i> based on statute in force at that time, which was later changed); 2. <i>Pierce v. Pierce</i> , 770 A.2d 867 (R.I. 2001)(the version of Statute 15-5-16(b) that was in effect when this opinion was written was changed in 2009 to remove the age 21 limitation and allow CS to be extended after age 19 for a child "with a severe physical or mental impairment still living with or under the care of a parent," ... ); 3. <i>Pontbriand v. Ponthraind</i> , 622 A.2d 482 (R.I. 1993)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                |                                                                        |                                                                                                                                                                                                     |                                                     |                                                                         |                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| South Carolina | Yes, by Statute and case law                                           | In <i>Riggs</i> (Case 3) the disability was diagnosed after age 18, but was genetic and the court found it existed prior to age 18 and as a result the child was never emancipated. See also Case 5 | No, Case 2 (based on the facts) and Case 5          | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 4) | <b>S.C.Code Ann. § 63-3-530(A)(17)</b> (formerly cited as 20-7-420(17)) (See applicable portion of Statute in Cases column) | 1. <i>Peterson v. Smith</i> , 415 S.E.2d 431 (S.C.App. 1992); 2. <i>Morris v. Morris</i> , 517 S.E.2d 721 (S.C.App. 1999); 3. <i>Riggs v. Riggs</i> , 578 S.E.2d 3 (S.C. 2003)(court rejected constitutional equal protection argument that a married parent has no legal obligation to support an adult disabled child and therefore a divorced parent cannot ordered to do so); 4. <i>Justice v. Scruggs</i> , 332 S.E.2d 106 (S.C.App. 1985); 5. <i>Smith v. Doe</i> , 623 S.E.2d 370 (S.C. 2005)(action for CS instituted when child was 34, but her condition manifested at birth); 6. <i>Crenshaw v. Thompson</i> , 311 S.E.2d 742(S.C.App. 1984)(child support ordered under "exceptional circumstances" when child severely injured in auto accident two weeks after high school graduation)<br>=====Statute Quote =====<br>("[t]o provide for child support past age eighteen when there are physical or mental disabilities of the child or other exceptional circumstances that warrant the continuation of child support beyond age eighteen for as long as the physical or mental disabilities or exceptional circumstances continue.") |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State        | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                 | Statutes                            | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| South Dakota | No                                                                     |                                                            |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Case 4, 5); and can be used for CS arrearage. but not from child's SS account (Case 5), and <b>No</b> - for SSI (Case 3) | SDCL §<br>1. 25-5-18.1<br>2. 25-7-9 | 1. <i>Birchfield v. Birchfield</i> , 417 N.W.2d 891, 895 (S.D.1988); 2. <i>Miller v. Jacobsen</i> , 714 N.W.2d 69 (S.D. 2006) (court may not impose duty to support a child beyond age of 18, or 19 if enrolled full-time in high school; however, former spouses are free to agree to provide support beyond age 19); 3. <i>Nelson v. Nelson</i> , 454 N.W.2d 533(S.D. 1990); 4. <i>Hawkins v. Peterson</i> , 474 N.W.2d 90 (S.D. 1991); 5. <i>Crago v. Donovan</i> , 593 N.W.2d 726 (S.D. 1999) |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State     | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                  | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age                                                                                              | Public Benefits Can Be Offset Against CS                                                                                                         | Statutes                                                                                                                                                                                                                                             | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tennessee | Yes, Statute 1. if a child is "severely disabled and living under the care and supervision of a parent" | Yes, required by Statute 1                                 | Yes, or at least must continue an existing CS order (Case 3, 4, 5)                                                                               | Yes, based on Child Support Guidelines (2 under Statutes); See also Case 6                                                                       | <b>1. Tenn. Code Ann. 36-5-101(k);</b><br><b>2. Child Support Guidelines, Rule 1240-2-4-.04 1(xiv) and 5</b>                                                                                                                                         | 1. <i>Sayne v. Sayne</i> , 284 S.W.2d 309 (Tenn.Ct.App. 1955)(recognized common law duty to support adult disabled child); 2. <i>Bryan v. Leach</i> , 85 S.W.3d 136 (Tenn.App. 2001); 3. <i>In re Conservatorship of Jones</i> , 2004 WL 2973752 (Tenn.Ct.App. 2004); 4. <i>Corder v. Corder</i> , 231 S.W.3d 346 (Tenn.App. 2006); 5. <i>Ratcliff v. Neal</i> , 2024 WL 4885448 (Tenn.Ct.App. 2024); 6. <i>Kipping v. Kipping</i> , 186 Tenn 247 (Tenn. 1948)(allowed military payments to soldier's child to be offset against the soldier's CS obligation).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Texas     | Yes, Statute 1                                                                                          | Yes, required by Statute 2 § (a)(2)                        | Yes for SSD received by child due to obligor parent's retirement (Case 4) and disability (Case 5). No for SSD backpay received by child (Case 6) | Yes for SSD received by child due to obligor parent's retirement (Case 4) and disability (Case 5). No for SSD backpay received by child (Case 6) | <b>Texas Fam. Code</b><br><b>1. 154.001(a)(4);</b><br><b>2. 154.005;</b><br><b>3. 154.302;</b><br><b>4. 154.306;</b><br><b>5. 154.309;</b><br><b>[NOTE: H.B. No. 4509 introduced March 12, 2025 will amend these statutes if passed. See Case 8]</b> | 1. <i>Red v. Red</i> , 536 S.W.2d 431 (Tex.Civ.App. 14th Dist. 1976); 2. <i>In re J.M.C.</i> , 395 S.W.3d 839 (Tex.App. Tyler 2013); 3. <i>Lake v. Lake</i> , 899 S.W.2d 737 (Tex.App. Dallas 1995)("We specifically do not decide the issue of whether an obligor parent would be entitled to a child support credit for social security disability or retirement payments a minor child might receive", <i>Lake</i> at 740, FN. 8); 4. <i>In Interest of Allsup</i> , 926 S.W.2d 323 (Tex.App. Texarkana 1996); 5. <i>In re Rich</i> , 993 S.W.2d 272 (Tex.App. San Antonio 1999); 6. <i>Attorney General of Texas v. Stevens</i> , 84 S.W.3d 720 (Tex.App. Houston (1st Dist.)); 7. <i>In Interest of C.J.N.-S.</i> , 2018 WL 1870730 (Tex.App. Corpus Christi-Edinburg 2018) (determination adult child is incapable of self-support as defined in Statutes); 8. <i>In Interest of D.C.</i> , 549 S.W.3d 136 (Tex. 2018)(while denying a petition for review of a lower court order that a parent must provide financial support to an adult child for an indefinite period of time, the Texas Supreme Court pointed out that Statute 154.302 is woefully sparse in describing what proof is required to satisfy its requirements, and the court stated either legislation is required or the court will take it upon itself to provide "guidance how "detailed and specific" the evidence must be to meet section 154.302's standards.") |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation                                                                  | Request for Adult CS Must Occur before Majority Age                                                                    | Public Benefits Can Be Offset Against CS                                                                                                                  | Statutes                                                                                                                                                                                                            | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Utah  | Yes, Statutes 1 and 2; Cases 1, 2, 4                                   | Case 4 says this is undecided; also nothing in the statutes enacted in 2024 requires disability onset prior to emancipation | No, see Case 4 and 3; also nothing in the statutes enacted in 2024 requires anything more than change in circumstances | Yes, by Statute 4 § (8) and Statute 5; also see Statutes 3 and 4. See also Case 3 (crediting SSD received by child to parent whose SS earnings were used) | <b>Utah Code Ann. §</b><br><b>1.</b> 81-6-101(7)(c)<br><b>2.</b> 81-6-104(1);<br><b>3.</b> 81-6-202(6)(e)<br><b>4.</b> 81-6-203(6), (7), and (8);<br><b>5.</b> 81-6-204(6) See *** in Cases column for description. | 1. <i>Dehm v. Dehm</i> , 545 P.2d 525 (Utah 1976); 2. <i>Garrand v. Garran d</i> , 615 P.2d 422 (Utah 1980); 3. <i>Doyle v. Doyle</i> , 221 P.3d 888 (Utah App. 2009); 4. <i>Wadman v. Wadman</i> , 532 P.3d 1015 (Utah App. 2023)<br><br>===== <b>*1*</b> S.B. 95 passed in the 2024 General Session recodified U.C.A § 78B-12 (Utah Child Support Act) and moved it to U.C.A. § 81-6 (Utah Domestic Relations Code, Chapter 6, Child Support). This change was effective 9-1-2024. <b>*2*</b> U.C.A. § 81-6-101(7)(c) added to the definition of "child" the following, "son or daughter of any age who is incapacitated from earning a living and, if able to provide some financial resources to the family, is not able to support self by own means." <b>*3*</b> U.C.A. § 81-6-104(1) says, "(a) Every child is presumed to be in need of the support of the child's parents. (b) Every parent shall support their child. (c) Nothing in this chapter relieves a parent of the primary obligation of support for the parent's child." |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State   | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                       | Statutes                                                                                                                                                                                                                                                                                                                                          | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Vermont | No, statute 1; Case 2                                                  |                                                            |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Cases 3, 4. 5) | <p><b>1. 15 V.S.A. 658</b><br/>(subsection (c) limits child support to the later of: age of majority or termination of secondary education). (In 2007 subsection (g) was added giving court authority to extend CS to age 22 for disabled child. This sunsetted on July 1, 2012);</p> <p><b>2. 1 V.S.A. § 173</b><br/>(age of majority is 18)</p> | <p>1. <i>Rowell v. Town of Vershire</i>, 19 A. 990, 62 Vt. 405 (Vt. 1890); 2. <i>Morancy v. Morancy</i>, 800 A.2d 435 (Vt. 2001); 3. <i>Davis v. Davis</i>, 449 A.2d 947 (Vt. 1982); 4. <i>Louko v. McDonald</i>, 22 A.3d 433 (VT. 2011); 5. <i>Cantin v. Young</i>, 770 A.2d 449 (Vt. 2000)(distinguishes joint custody and sole custody cases when determining amount of SS benefits paid to children that is included in calculation of amount of CS each parent owes)</p> |
|         |                                                                        |                                                            |                                                     |                                                                                |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State    | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                    | Statutes                                                                                            | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Virginia | Yes, Statutes 1 and 2                                                  | Yes, Statute 1 and 2                                       |                                                     | Yes, for SSD from Soc Sec account of parent required to pay CS (Statute 3; Case 1, 2).<br>===== No, for SSI (Case 3, 4, 6). | <b>Va. Code Ann. §</b><br><b>1.</b> 20-124.2.C;<br><b>2.</b> 16.1-278.15.A;<br><b>3.</b> 20-108.2.C | 1. <i>Com., Dept. of Social Services, Div. of Child Support Enforcement, ex rel. v. Skeens</i> , 442 S.E.2d 432 (Va.App. 1994); 2. <i>Whitaker v. Colbert</i> , 442 S.E.2d 429 (Va.App. 1994); 3. <i>Bennett v. Com., Virginia Dept. of Social Services Div. of Child Support</i> , 472 S.E.2d 668 (Va.App. 1996); 4. <i>Rinaldi v. Dumsick</i> , 528 S.E.2d 134 (Va.App. 2000)(overruled by <i>Humphries v. Buchannan</i> ); 5. <i>Germek v. Germek</i> , 537 S.E.2d 596 (Va.App. 2000); 6. <i>Humphries V. Buchannan</i> , 900 S.E.2d 550 (Va.App. 2024) |
|          |                                                                        |                                                            |                                                     |                                                                                                                             |                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State      | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                                                                                              | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                           | Statutes                                                                                                                                                                                                                                      | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Washington | No, "[t]here is no Washington State case law which actually recognizes and enforces a cause of action for legal support of an emancipated disabled child." Case # 7 |                                                            |                                                     | Yes, court has discretion to offset SS from Soc Sec account of parent required to pay CS (Case 4); SSI received by child can be applied to reduce CS obligation of parent (Case 6) | <b>RCW §</b><br><b>1.</b> 26.09.100;<br><b>2.</b> 26.19.075(c) (iii) and (iv) ("special needs of disabled children" is reason to deviate from standard CS calculation);<br><b>3.</b> 26.44.020 (defines "child" as person under age 18 years) | <b>1.</b> <i>Schultz v. Western Farm Tractor Co.</i> , 190 P. 1007 (Wash. 1920) (Court recognized the common law duty of parents to support "defective children, whether the defect be mental or physical. To these he owes a continuing obligation of support, which ceases only when the necessity for support ceases." Case involved dividing estate of deceased father to adult crippled child who had been supported by the deceased father; it did not involve child support); <b>2.</b> <i>Van Tinker v. Van Tinker</i> , 229 P.2d 333 (Wash. 1951) (although the court recognizes the duty of a parent to support an adult child who has a disability, such duty cannot be enforced through the original divorce proceeding); <b>3.</b> <i>Childers v. Childers</i> , 575 P.2d 201 (Wash. 1978) (court also rejected a constitutional equal protection argument); <b>4.</b> <i>Chase v. Chase</i> , 444 P.2d 145 (Wash. 1968); <b>5.</b> <i>In re Marriage of Maples</i> , 899 P.2d 1 (Wash.App.Div.2 1995)(SSD paid to child is treated as income to parent, which raises parent's income, then can be offset against CS obligation); <b>6.</b> <i>In re Marriage of Trichak</i> , 863 P.2d 585 (Wash.App.Div.1 1993)(SSI received by child is income to child and can be used when calculating CS obligation of parent); <b>7.</b> <i>Fisher v. United States</i> , 28 Fed. Cl. 88, 95 (1993) |
|            |                                                                                                                                                                     |                                                            |                                                     |                                                                                                                                                                                    |                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State         | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                                                                                                                                                                                   | Statutes                                                                                                                                                                                                                                                      | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| West Virginia | Yes, Case 1, 2; Statute 1                                              | No, Case 3                                                 |                                                     | Yes, if Soc Sec received by child from account of parent paying CS (Statute 2 § (a)); Statute 2 § (b) (treatment of SSD received) and § (b) (if child receiving SSI and CS would cause reduction, no CS shall be paid); Case 5 discusses SSI; Case 4 discusses VA benefits | <b>W. Va.Code § 1. 48-11-103 ((b)</b><br>Nothing herein shall be construed to abrogate or modify existing case law regarding the eligibility of handicapped or disabled children to receive child support beyond the age of eighteen);<br><b>2. 48-13-603</b> | 1. <i>James G. v. Caserta</i> , 332 S.E.2d 872 (W.Va. 1985)(“Under the common law where a child is incapable of supporting himself because of physical or emotional disabilities, the parents' obligation to support continues beyond the child's age of majority.” Syllabus point 10); 2. <i>Kinder v. Schlaegel</i> , 404 S.E.2d 545 (W.Va. 1991); 3. <i>Casdorph v. Casdorph</i> , 460 S.E.2d 736 (W.Va. 1995); 4. <i>Duke v. Richards</i> , 600 S.E.2d 182 (W.Va. 2004); 5 <i>Michael S. v. Angela S .</i> , 2024 WL 1256192 (W.Va. App. 2024) (interprets Statute 2 (b) and finds any SSI being received by child does not reduce child support to zero, it merely reduces child support. But child support is prohibited if it exceeds SSI amount and would reduce SSI zero). |
|               |                                                                        |                                                            |                                                     |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Where Child Support Meets Special Needs  
A Survey of the Law in 2025

| State     | Parent May Be Required to Pay CS for Adult Child Sufficiently Disabled                              | Disability Must Onset Before Majority Age, or Emancipation | Request for Adult CS Must Occur before Majority Age | Public Benefits Can Be Offset Against CS                                                                | Statutes                                                                                                              | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wisconsin | No, Statute and Case 1                                                                              |                                                            |                                                     | Yes, Case 3, 4; Statute 2, for SSD paid to child from obligor parent's Soc. Sec. account                | <b>Wis. Stat. §</b><br><b>1.</b> 767.511(4) limits CS to 18, or 19 if still in highschool;<br><b>2.</b> 767.59(1r)(d) | 1. <i>O'Neill v. O'Neill</i> , 117 N.W.2d 267 (Wis. 1962) (statutes do not allow child support after minority); 2. <i>Bliwas v. Bliwas</i> , 178 N.W.2d 35, 36 (Wis. 1970) ("As applied to a severely handicapped offspring, the application of the statute may be harsh. As applied to secondary education of any child, which nowadays customarily goes beyond the age of twenty-one, it may have become unrealistic. But the public policy set is for the legislature to establish, and for the legislature alone to amend or change.") 3. <i>Burger v. Burger</i> , 424 N.W.2d 691 (Wis. 1988)(credited Soc Sec received by children against monthly CS obligation, not arrears); 4. <i>Paulhe v. Riley</i> , 722 N.W.2d 155 (Wis.App. 2006)                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Wyoming   | Yes, Case 1 and Statute 1 ("Mentally or physically disabled and thereby incapable of self support") |                                                            |                                                     | Yes, if Soc Sec received by child from account of parent paying CS (Statute 3, Case 3); See also Case 2 | <b>Wyo.Stat. Ann. §</b><br><b>1.</b> 14-2-204(a)(i);<br><b>2.</b> 20-2-301;<br><b>3.</b> 20-2-304(e)                  | 1. <i>Kamp v. Kamp</i> , 640 P.2d 48 (Wyo. 1982); 2. <i>Hinckley v. Hinckley</i> , 812 P.2d 907 (Wyo. 1991)(Receipt of SD by child from account of non-custodial parent is but one factor for court to take into consideration in determining amount of CS; not an automatic offset of CS obligation); 3. <i>Groenstein v. Groenstein</i> , 104 P.3d 765 (Wyo. 2005)((2)as a matter of first impression, benefits paid to child of disabled parent through Social Security Disability Insurance (SSDI) are to be included in parent's gross income for child support purposes; (3) as a matter of first impression, SSDI benefits that are paid to child are to be credited to parent's child support obligation when initially calculating obligation"); 4. <i>Bagley v. Bagley</i> , 311 P.3d 141 (Wyo. 2013); 5. <i>O'Roake v. State ex rel. Dep't of Fam. Servs., Child Support Enf't Div.</i> , 494 P.3d 482 (Wyo. 2021); 6. <i>Swaney v. State, Dep't of Fam. Servs., Child Support Enf't</i> ,256 P.3d 514 (Wyo. 2011) (backpay SSD benefits paid to adult disabled child do not reduce CS arrearages owed by obligor parent; instead they belong to the child) |

## **Appendix B**

### **Special Needs Trusts and Child Support**

**Summary of Cases and Statutes in 50 States Plus District of Columbia  
That Answer Questions Posed in the Accompanying Paper**

| State                | SNT Can Be Offset Against CS | SNT Liable for Bene's Obligation to Pay CS | Statute Allows CS Payment to Trust | Statutes                 | Cases                                                                                                                                                                                                                                                                    |
|----------------------|------------------------------|--------------------------------------------|------------------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alabama              |                              |                                            |                                    |                          |                                                                                                                                                                                                                                                                          |
| Alaska               |                              |                                            |                                    |                          |                                                                                                                                                                                                                                                                          |
| Arizona              | No - Case 1                  |                                            |                                    |                          | 1. Adu-Tutu v. Adu-Tutu, 1 CA-CV 11-0262, 2012 WL 1964568 (Ariz. App. 1st Div. 2012)                                                                                                                                                                                     |
| Arkansas             |                              |                                            |                                    |                          |                                                                                                                                                                                                                                                                          |
| California           | No - Case 3                  |                                            | Yes, Statute                       | Cal. Fam. Code § 3910(b) | 3. In re Marriage of Drake, 62 Cal.Rptr.2d 466 (Cal.App.2d Dist. 1997) ("trust will run dry long before David dies if the full burden of supporting David falls upon it, raising the prospect that David will become a public charge" [and not have "sufficient means"]) |
| Colorado             |                              |                                            |                                    |                          |                                                                                                                                                                                                                                                                          |
| Conn.                |                              |                                            |                                    |                          |                                                                                                                                                                                                                                                                          |
| Deleware             |                              |                                            |                                    |                          |                                                                                                                                                                                                                                                                          |
| District of Columbia |                              |                                            |                                    |                          |                                                                                                                                                                                                                                                                          |

| State    | SNT Can Be Offset Against CS | SNT Liable for Bene's Obligation to Pay CS | Statute Allows CS Payment to Trust       | Statutes                                    | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------|------------------------------|--------------------------------------------|------------------------------------------|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Florida  | Yes - Case 3                 | Yes - Case 19, based on Statute 1          |                                          | 1. Fla. Stat. Ann. § 736.0503               | 3. Carmody v. Carmody, 230 So.2d 40 (Fla. 1st Dist. App. 1970); 19. Alexander v. Harris, 278 So.3d 721 (Fla.2d DCA 2019). Based on Florida Statute § 736.0503 (which is based on § 503 of the Uniform Trust Code) the court held that a 42 U.S.C. § 1396p trust with a spendthrift clause was subject to continuing garnishment for child support owed by the trust's beneficiary. ("Although the court cannot compel a disbursement from a spendthrift trust, if disbursements are wholly within the trustee's discretion and the trustee exercises its discretion making a disbursement, that disbursement may be subject to a writ of garnishment for child support for beneficiary's child."... "Whether the disbursements from a spendthrift trust are paid directly to the beneficiary or to third parties for his benefit is immaterial to whether they may be garnished to enforce child support order for beneficiary's child." |
| Georgia  |                              |                                            | Yes, Statute 1 § (e) and Statute 2 § (c) | Ga. Code Ann. 1. 19-6-15.1 and 2. 19-6-15.2 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Hawaii   |                              |                                            |                                          |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Idaho    |                              |                                            |                                          |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Illinois |                              |                                            | Yes, § (a)                               | 750 I.C.S.A. § 5/513.5                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Indiana  |                              |                                            |                                          |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Iowa     |                              |                                            |                                          |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Kansas   |                              |                                            |                                          |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| State       | SNT Can Be Offset Against CS                                                            | SNT Liable for Bene's Obligation to Pay CS | Statute Allows CS Payment to Trust | Statutes | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------|-----------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Kentucky    |                                                                                         |                                            |                                    |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Louisiana   |                                                                                         |                                            |                                    |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Maine       |                                                                                         |                                            |                                    |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Maryland    | No - Case 5                                                                             |                                            |                                    |          | 5. Cutts v. Trippe, 57 A.3d 1006 (Md.Spec.App. 2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Mass.       |                                                                                         |                                            |                                    |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Michigan    |                                                                                         |                                            |                                    |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Minnesota   |                                                                                         | See Case # 6                               |                                    |          | 6. In re Ramsey County ex rel. Pierce County, Wis., 645 N.W.2d 747 (Minn.App. 2002)(Father receiving SSD and is beneficiary of SNT established by his parents, who support him. No further discussion of SNT, but appears to be third party-settled. In-kind support from parents (father lived with parents) was not counted as "income" to father for calculation of father's CS obligation.)                                                                                                                                                                                                                                             |
| Mississippi |                                                                                         |                                            |                                    |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Missouri    | No, nor are distributions from d4A trust count-able as income to adult child (Case #17) |                                            |                                    |          | 17. Lewis v. Department of Social Services, 61 S.W.3d 248 (Mo.App. W.D. 2001)("Whether income from a trust should be included in determining appropriate amount of child support depends upon type of trust involved and intent of settlor." Lewis, at 256)("The special needs trust established for [the beneficiary] as a result of the medical malpractice claim and the monthly income received from the trust do not diminish [the father's] child support obligations."...[the beneficiary's] income from the special needs trust does not make the presumptive correct child support amount unjust or inappropriate." Lewis, at 258) |
| Montana     |                                                                                         |                                            |                                    |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| State         | SNT Can Be Offset Against CS | SNT Liable for Bene's Obligation to Pay CS                                                                  | Statute Allows CS Payment to Trust                             | Statutes                                                | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------|------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Nebraska      |                              |                                                                                                             |                                                                |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Nevada        |                              |                                                                                                             |                                                                |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| New Hampshire |                              |                                                                                                             |                                                                |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| New Jersey    |                              | Distribu-tions from self-settled SNT are "income" to trust bene. For calc. of bene's CS obligation (Case 3) | Statute allows court order "involving the creation of a trust" | N.J. Stat. Ann. § 2A:34-23.a                            | 3. Mazyk v. Cozze, 2012 WL 6115682 (N.J.Super.A.D. 2012)("in order to take advantage of certain Medicaid benefits, Cozze voluntarily gave up the settlement assets by creating the self settled Trust. The trial judge recognized that those assets are not available to satisfy Cozze's child support obligations. However, the distribution of those assets is a resource which the trial judge appropriately considered available for support." Mazyk, at 4)            |
| New Mexico    |                              |                                                                                                             |                                                                |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| New York      |                              |                                                                                                             | Yes, Statute                                                   | N.Y. Fam. Ct. Act §413-b.4 (reproduced in Cases Column) | 4. The court shall have discretion to order the payor party to make support payments either to the petitioner or to the trustee of an "exception trust" as defined in 42 U.S.C. 1396p(d)(4)(A) and (C), clause (iii) of subparagraph two of paragraph (b) of subdivision two of section three hundred sixty-six of the social services law, and section 7-1.12 of the estates, powers and trusts law if such direction would assist in maximizing assistance to the child. |

| State          | SNT Can Be Offset Against CS | SNT Liable for Bene's Obligation to Pay CS                                                                                                                                                     | Statute Allows CS Payment to Trust | Statutes | Cases                                                                                                                                                                                                                                |
|----------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North Carolina |                              | See Case 5 (spend-thrift trust breached to pay CS owed by beneficiary. This was not a SNT)                                                                                                     |                                    |          | 5. Swink v. Swink, 6 N.C.App. 161, 169 S.E.2d 539 (1969)(spendthrift trust established by will of deceased grandmother for the benefit of non-custodial parent can be breached for purpose of paying CS owed by trust's beneficiary) |
| North Dakota   |                              |                                                                                                                                                                                                |                                    |          |                                                                                                                                                                                                                                      |
| Ohio           |                              | Distributions from self-settled SNT are "income" to trust bene. For calc. of bene's CS obligation (Case 11). Case 19 holds spend-thrift trust (not SNT) is not liable for bene's CS obligation |                                    |          | 11. Myers v. Myers, 2006-Ohio-5360, 2006 WL 2925353 (Ohio App. 6 Dist. 2006); 19. Styer v. Styer, 2006 WL 319248 (Ohio App, 3rd Dist. 2006)                                                                                          |

| State    | SNT Can Be Offset Against CS                                                      | SNT Liable for Bene's Obligation to Pay CS                                                                                                                                      | Statute Allows CS Payment to Trust | Statutes                 | Cases                                           |
|----------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------|-------------------------------------------------|
| Oklahoma | Income received by child from a trust is excluded from CS calculation (Statute 2) | 60 O.S.A. § 60-175.88.3 allows enforcement of CS order against a support trust for benefit of person who owes CS duty. This does not apply to discretion-ary trust (60-175.89)  |                                    | 2. 43 O.S.A. 118B.B      |                                                 |
| Oregon   |                                                                                   | Yes for Spendthrift trust - Case #4; O.R.S. § 130.310 UTC 503 allows CS claims against a beneficiary of a spend-thrift trust to be pursued against the trust. Not SNT specific. |                                    | O.R.S. § 130.310 UTC 503 | 4. Shelley v. Shelley, 354 P.2d 282 (Or. 1960). |
|          |                                                                                   |                                                                                                                                                                                 |                                    |                          |                                                 |

| State                 | SNT Can Be Offset Against CS | SNT Liable for Bene's Obligation to Pay CS                                                                                                                                 | Statute Allows CS Payment to Trust | Statutes                                                                                                                                                                                             | Cases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Penn.</b>          | No - Case 10                 | Distributions from self-settled SNT are "income" to trust bene. For calc. of bene's CS obligation (Case 8)                                                                 |                                    |                                                                                                                                                                                                      | 10. Ricco v. Novitski, 874 A.2d 75 (Pa.Super. 2005); 8. Mencer v. Ruch, 928 A.2d 294 (Pa.Super. 2007)                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Rhode Island</b>   |                              |                                                                                                                                                                            |                                    |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>South Carolina</b> |                              |                                                                                                                                                                            |                                    |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>South Dakota</b>   |                              |                                                                                                                                                                            |                                    |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Tennessee</b>      |                              |                                                                                                                                                                            |                                    |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Texas</b>          |                              | Statute 2 allows court to order CS payments to child of a beneficiary of a spend-thrift trust. If the trust is discretion-ary, can only be made from income, not principal | Yes, Statute 3 § (c)               | <b>V.T.C.A.Fam. Cd.</b><br><b>2.</b> 154.005 (quoted in Cases column);<br><b>3.</b> 154.302 (enacted in 2019)<br>[NOTE: H.B. No. 4509 introduced March 12, 2025 will amend these statutes if passed] | Sec. 154.005. PAYMENTS OF SUPPORT OBLIGATION BY TRUST. (a) The court may order the trustees of a spendthrift or other trust to make disbursements for the support of a child to the extent the trustees are required to make payments to a beneficiary who is required to make child support payments as provided by this chapter. (b) If disbursement of the assets of the trust is discretionary, the court may order child support payments from the income of the trust but not from the principal. |
| <b>Utah</b>           |                              |                                                                                                                                                                            |                                    |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Vermont</b>        |                              |                                                                                                                                                                            |                                    |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| State         | SNT Can Be Offset Against CS | SNT Liable for Bene's Obligation to Pay CS | Statute Allows CS Payment to Trust | Statutes                                                                                                                                                                | Cases                                                                                                                                                                                        |
|---------------|------------------------------|--------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Virginia      |                              |                                            | Yes, Statutes 1 and 2              | <p><b>Va. Code Ann. §</b><br/> <b>1.</b> 16.1-278.15.A;<br/> <b>2.</b> 20-124.2C<br/> <b>*** See ***</b><br/> applicable section from both Statutes in Cases column</p> | <p><b>***</b> "Upon request of either party, the court may also order that support payments be made to a special needs trust or an ABLE savings trust account as defined in § 23.1-700."</p> |
| Washington    |                              |                                            |                                    |                                                                                                                                                                         |                                                                                                                                                                                              |
| West Virginia |                              |                                            |                                    |                                                                                                                                                                         |                                                                                                                                                                                              |
| Wisconsin     |                              |                                            |                                    |                                                                                                                                                                         |                                                                                                                                                                                              |
| Wyoming       |                              |                                            |                                    |                                                                                                                                                                         |                                                                                                                                                                                              |