

Alternatives to current SDCL 25-5-18.1 - emancipation

1. Amend statute to one specific age:

a. **25-5-18.1. Parental duty to support child.**

The parents of any child are under a legal duty to support their child in accordance with the provisions of § 25-7-6.1, until the child attains the age of eighteen, ~~or until the child attains the age of nineteen if the child is a full-time student in a secondary school~~. If it is determined by the court that the child support obligation survives the death of the parent, the amount due may be modified, revoked, or commuted to a lump sum payment by the court, taking into consideration all factors deemed relevant, including the financial resources of the child and the other parent and the needs of the decedent's family.

... or...

b. **25-5-18.1. Parental duty to support child.**

The parents of any child are under a legal duty to support their child in accordance with the provisions of § 25-7-6.1, until the child attains the age of nineteen ~~eighteen, or until the child attains the age of nineteen if the child is a full-time student in a secondary school~~. If it is determined by the court that the child support obligation survives the death of the parent, the amount due may be modified, revoked, or commuted to a lump sum payment by the court, taking into consideration all factors deemed relevant, including the financial resources of the child and the other parent and the needs of the decedent's family.

2. Amend statute to clarify/include alternative instruction:

a. **25-5-18.1. Parental duty to support child.**

The parents of any child are under a legal duty to support their child in accordance with the provisions of § 25-7-6.1, until the child attains the age of eighteen, or until the child attains the age of nineteen if the child is a full-time student in a secondary school or is receiving alternative instruction pursuant to Chapter 13-27. If it is determined by the court that the child support obligation survives the death of the parent, the amount due may be modified, revoked, or commuted to a lump sum payment by the court, taking into consideration all factors deemed relevant, including the financial resources of the child and the other parent and the needs of the decedent's family.

3. Amend statute to remove full-time:

a. **25-5-18.1. Parental duty to support child.**

The parents of any child are under a legal duty to support their child in accordance with the provisions of § 25-7-6.1, until the child attains the age of eighteen, or until the child attains the age of nineteen if the child is a

~~full-time~~ student in a secondary school. If it is determined by the court that the child support obligation survives the death of the parent, the amount due may be modified, revoked, or commuted to a lump sum payment by the court, taking into consideration all factors deemed relevant, including the financial resources of the child and the other parent and the needs of the decedent's family.