



CHILD SUPPORT CAN CONTINUE PAST AGE 18

Child Support may continue past the age of majority pursuant to A.R.S. §25-320(E), if there is a court finding that the child/children are incapable of being self-supporting. In the recent case of *Pope v. Pope*, 1CA-CV10-0388, The Court of Appeals, for the first time, conducted a detailed analysis of the meaning behind A.R.S. §25-320(E) pertaining to the term “severely” disabled. The Court of Appeals held that the term “severely, mentally, or physically disabled” meant that the children were incapable of living independently or being self-supporting due to the disability.

In *Pope* the parties divorced in 2011, with twins who were 11 at the time of dissolution that had mild cerebral palsy, developmental delays, ADD, anxiety disorder, and nonverbal learning disorder. There was no determination by the trial court as to whether or not child support should continue past the age of majority.

The *Pope* court further found that the test was not how their disability was classified technically, but rather the ability to live independently. The Court of Appeals relied on a vocational evaluation of the children as well as the children’s doctors’ testimony. Though the children were able to care for themselves, such as feeding and grooming they were not employable at a level above poverty level. The Court therefore upheld the trial court in ruling the children were disabled under the statute, sufficient for support to continue.

Of note, the Court did however order that the children meet with the vocational evaluator and enroll in a job placement program, noting that a future modification was possible if the children obtained sufficient employment.