

# HOUSE BILL 1222

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By: **Delegates Metzgar and Shoemaker**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Support Guidelines – Actual Income of Parent’s Spouse**

3 FOR the purpose of establishing that “actual income” under the child support guidelines  
4 does not include the actual income of a parent’s spouse for purposes of determining  
5 a parent’s child support obligation; and generally relating to child support.

6 BY repealing and reenacting, with amendments,  
7 Article – Family Law  
8 Section 12–201(b)  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2018 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Family Law  
13 Section 12–201(c) and 12–204(a)(1)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2018 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 12–201.

20 (b) (1) “Actual income” means income from any source.

21 (2) For income from self–employment, rent, royalties, proprietorship of a  
22 business, or joint ownership of a partnership or closely held corporation, “actual income”  
23 means gross receipts minus ordinary and necessary expenses required to produce income.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1           (3)    “Actual income” includes:
- 2                   (i)     salaries;
- 3                   (ii)    wages;
- 4                   (iii)  commissions;
- 5                   (iv)   bonuses;
- 6                   (v)    dividend income;
- 7                   (vi)   pension income;
- 8                   (vii)  interest income;
- 9                   (viii) trust income;
- 10                  (ix)   annuity income;
- 11                  (x)    Social Security benefits;
- 12                  (xi)   workers’ compensation benefits;
- 13                  (xii)  unemployment insurance benefits;
- 14                  (xiii) disability insurance benefits;
- 15                  (xiv)  for the obligor, any third party payment paid to or for a minor  
16 child as a result of the obligor’s disability, retirement, or other compensable claim;
- 17                  (xv)   alimony or maintenance received; and
- 18                  (xvi)  expense reimbursements or in-kind payments received by a  
19 parent in the course of employment, self-employment, or operation of a business to the  
20 extent the reimbursements or payments reduce the parent’s personal living expenses.
- 21           (4)    Based on the circumstances of the case, the court may consider the  
22 following items as actual income:
- 23                   (i)     severance pay;
- 24                   (ii)    capital gains;
- 25                   (iii)  gifts; or
- 26                   (iv)   prizes.

1 (5) "Actual income" does not include:

2 (I) THE ACTUAL INCOME OF A PARENT'S SPOUSE; OR

3 (II) benefits received from means-tested public assistance programs,  
4 including temporary cash assistance, Supplemental Security Income, food stamps, and  
5 transitional emergency, medical, and housing assistance.

6 (c) "Adjusted actual income" means actual income minus:

7 (1) preexisting reasonable child support obligations actually paid; and

8 (2) except as provided in § 12-204(a)(2) of this subtitle, alimony or  
9 maintenance obligations actually paid.

10 12-204.

11 (a) (1) The basic child support obligation shall be determined in accordance  
12 with the schedule of basic child support obligations in subsection (e) of this section. The  
13 basic child support obligation shall be divided between the parents in proportion to their  
14 adjusted actual incomes.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2019.