

DATE: February 6, 2020

BILL NUMBER: HB 367 **COMMITTEE:** Judiciary Committee

BILL TITLE: Child Support - Multifamily Adjustment

DHS POSITION: Support

The Department of Human Services (the Department) respectfully offers this letter of support regarding House Bill 367. HB 367 revises the calculation of a child support obligation to include consideration of children living in a household who are not subject to a current child support action, but for whom the noncustodial parent still owes a legal duty of support. In addition HB 367 allows courts the discretion to deviate from the guidelines for any financial consideration that the court deems in the best interests of the child.

An issue frequently encountered in Maryland courts arises where one or both parents owe a duty of support to other children living in the home who are not subject to the current child support action. Maryland law only allows a court to consider the presence of other children as a “possible ground” for deviating from the child support guidelines. HB 367 amends the definition of “adjusted actual income” in Family Law Article § 12-201(c) to establish an allowance for each additional child living in a parent’s home to whom the parent owes a legal duty of support but who are not subject to the support order.

The allowance is calculated by applying the child support guidelines in Family Law § 12-204, using the income of the parent entitled to the deduction, for each additional child in the parent’s home. This process is referred to as creating a “theoretical order.” This theoretical order amount is then multiplied by 75 percent and is deducted from the noncustodial parent’s actual income before the court determines the amount of the child support order. The multiplier of 75 percent is used as it produces an even ratio, or equal treatment between the child or children subject to the order and the other children living in the household who are not subject to the order. Passage of HB 367 promotes more equitable child support orders that do not negatively impact all children living in the household.

In addition, HB 367 would allow courts to entertain a deviation from the guidelines in the best interests of the child. There is a rebuttable presumption that the amount of child support resulting from application of the child support guidelines is correct. Passage of HB 367 would amend Family Law § 12-202 to allow a court to deviate from the guidelines and consider any financial consideration the court deems relevant to the best interests of the child who is subject to the child support order. This reflects the current judicial practice in most Maryland courts, and will promote a consistent approach to Maryland child support actions.

For these reasons, the Department of Human Services strongly urge a favorable report by the Committee for HB 367.