**By: Senators Stone and Mitchell** Introduced and read first time: February 22, 1999 Assigned to: Rules

## A BILL ENTITLED

1 AN ACT concerning

## 2 Child Support - Parent of Other Children in the Household 3 FOR the purpose of prohibiting a court when establishing or modifying a child support obligation, to consider the presence in the household of either parent of 4 5 other children to whom that parent owes a duty of support and the expenses for 6 whom that parent is directly contributing; and generally relating to child 7 support. 8 BY repealing and reenacting, with amendments, Article - Family Law 9 10 Section 12-202(a) Annotated Code of Maryland 11 (1999 Replacement Volume) 12 13 14 MARYLAND, That the Laws of Maryland read as follows: 15 Article - Family Law 16 12-202. 17 (a) (1)18 proceeding to establish or modify child support, whether pendente lite or permanent, 20 (2)(i) 22 forth in this subtitle is the correct amount of child support to be awarded. 23 (ii) (iii) 25

## SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

Subject to the provisions of paragraph (2) of this subsection, in any

19 the court shall use the child support guidelines set forth in this subtitle.

There is a rebuttable presumption that the amount of child 21 support which would result from the application of the child support guidelines set

The presumption may be rebutted by evidence that the 24 application of the guidelines would be unjust or inappropriate in a particular case.

In determining whether the application of the guidelines would 26 be unjust or inappropriate in a particular case, the court may consider[:

## SENATE BILL 709

| <ol> <li>1.] the terms of any existing separation or property</li> <li>2 settlement agreement or court order, including any provisions for payment of</li> <li>3 mortgages or marital debts, payment of college education expenses, the terms of any</li> <li>4 use and possession order or right to occupy to the family home under an agreement,</li> <li>5 any direct payments made for the benefit of the children required by agreement or</li> <li>6 order, or any other financial considerations set out in an existing separation or</li> <li>7 property settlement agreement or court order[; and</li> </ol> |                 |  |
|---|-----------------|--|
| 8 2. the presence in the household of either parent of other<br>9 children to whom that parent owes a duty of support and the expenses for whom that<br>10 parent is directly contributing].  |                 |  |
| 11 (iv) 1. If the court determines that the application of the<br>12 guidelines would be unjust or inappropriate in a particular case, the court shall make<br>13 a written finding or specific finding on the record stating the reasons for departing<br>14 from the guidelines.  |                 |  |
| 15  | 2.              | The court's finding shall state:   |
| 16<br>17 under the guidelines;  | A.              | the amount of child support that would have been required  |
| 18  | B.              | how the order varies from the guidelines;  |
| 19  | C.              | how the finding serves the best interests of the child; and  |
| <ul><li>20</li><li>21 portion of the support presum</li><li>22 items conveyed.</li></ul>  | D.<br>ned under | in cases in which items of value are conveyed instead of a<br>the guidelines, the estimated value of the |

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 23 24 October 1, 1999.

2