
By: **Delegates Grosfeld, Bobo, Carlson, Menes, Shriver, and Turner**
Introduced and read first time: February 3, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support Guidelines**

3 FOR the purpose of establishing that the presumption that the amount of child
4 support which would result from the application of the child support guidelines
5 is the correct amount of child support to be awarded may not be rebutted solely
6 on the basis of certain evidence; providing for the application of this Act;
7 establishing that this Act may not be considered to be a material change in
8 circumstances for the purpose of modifying a child support order issued before
9 the effective date of this Act; and generally relating to child support.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 12-202 (a)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 1999 Supplement)

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

17 **Article - Family Law**

18 12-202.

19 (a) (1) Subject to the provisions of paragraph (2) of this subsection, in any
20 proceeding to establish or modify child support, whether pendente lite or permanent,
21 the court shall use the child support guidelines set forth in this subtitle.

22 (2) (i) There is a rebuttable presumption that the amount of child
23 support which would result from the application of the child support guidelines set
24 forth in this subtitle is the correct amount of child support to be awarded.

25 (ii) The presumption may be rebutted by evidence that the
26 application of the guidelines would be unjust or inappropriate in a particular case.

27 (iii) In determining whether the application of the guidelines would
28 be unjust or inappropriate in a particular case, the court may consider:

1 1. the terms of any existing separation or property
2 settlement agreement or court order, including any provisions for payment of
3 mortgages or marital debts, payment of college education expenses, the terms of any
4 use and possession order or right to occupy to the family home under an agreement,
5 any direct payments made for the benefit of the children required by agreement or
6 order, or any other financial considerations set out in an existing separation or
7 property settlement agreement or court order; and

8 2. the presence in the household of either parent of other
9 children to whom that parent owes a duty of support and the expenses for whom that
10 parent is directly contributing.

11 (IV) THE PRESUMPTION MAY NOT BE REBUTTED SOLELY ON THE
12 BASIS OF EVIDENCE OF THE PRESENCE IN THE HOUSEHOLD OF EITHER PARENT OF
13 OTHER CHILDREN TO WHOM THAT PARENT OWES A DUTY OF SUPPORT AND THE
14 EXPENSES FOR WHOM THAT PARENT IS DIRECTLY CONTRIBUTING.

15 [(iv)] (V) 1. If the court determines that the application of the
16 guidelines would be unjust or inappropriate in a particular case, the court shall make
17 a written finding or specific finding on the record stating the reasons for departing
18 from the guidelines.

19 2. The court's finding shall state:

20 A. the amount of child support that would have been required
21 under the guidelines;

22 B. how the order varies from the guidelines;

23 C. how the finding serves the best interests of the child; and

24 D. in cases in which items of value are conveyed instead of a
25 portion of the support presumed under the guidelines, the estimated value of the
26 items conveyed.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
28 to cases filed on or after the effective date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be
30 considered to be a material change in circumstances for the purpose of modifying a
31 child support order issued before the effective date of this Act.

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2000.