5lr1966 CF 5lr1967

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By: Senator Grosfeld

Introduced and read first time: February 2, 2005 Assigned to: Judicial Proceedings

	A BILL ENTITLED
1	AN ACT concerning
2	Family Law - Use of Guidelines - Child Support
3 4 5	FOR the purpose of establishing certain factors a court must consider when determining whether the application of the child support guidelines would be unjust; and generally relating to the use of the child support guidelines.
6 7 8 9 10	BY repealing and reenacting, with amendments, Article - Family Law Section 12-202(a) Annotated Code of Maryland (2004 Replacement Volume)
11 12	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
13	Article - Family Law
14	12-202.
	(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.
	(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.
21 22	(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.
23 24	(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:
	1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any

30 October 1, 2005.

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1 use and possession order or right to occupy to the family home under an agreement, 2 any direct payments made for the benefit of the children required by agreement or 3 order, or any other financial considerations set out in an existing separation or 4 property settlement agreement or court order; [and] 5 2. the presence in the household of either parent of other 6 children to whom that parent owes a duty of support and the expenses for whom that 7 parent is directly contributing; THE VALUE OF ALL OF THE ASSETS IN WHICH EITHER 8 9 PARENT HAS AN INTEREST; AND 10 4. THE ENTITLEMENT OF THE CHILD TO A STANDARD OF 11 LIVING THAT IS SUBSTANTIALLY SIMILAR TO WHAT THE CHILD WOULD HAVE HAD IF 12 THE PARENTS REMAINED TOGETHER. 13 (iv) The presumption may not be rebutted solely on the basis of 14 evidence of the presence in the household of either parent of other children to whom 15 that parent owes a duty of support and the expenses for whom that parent is directly 16 contributing. 17 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing 20 from the guidelines. 21 2. The court's finding shall state: 22 the amount of child support that would have been required A. 23 under the guidelines; how the order varies from the guidelines; 24 B. 25 C. how the finding serves the best interests of the child; and D. in cases in which items of value are conveyed instead of a 26 portion of the support presumed under the guidelines, the estimated value of the items conveyed. 29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect