
By: **Delegate Dumais**

Introduced and read first time: February 1, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support - Actual Income**

3 FOR the purpose of authorizing a court, in determining a child support obligation, to
4 consider voluntary contributions by an employee to a deferred compensation
5 plan or to any other form of pension plan, retirement plan, or income deferral
6 plan as actual income under certain circumstances; and generally relating to
7 child support.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 12-201(b)
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2005 Supplement)

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

15 **Article - Family Law**

16 12-201.

17 (b) (1) "Actual income" means income from any source.

18 (2) For income from self-employment, rent, royalties, proprietorship of a
19 business, or joint ownership of a partnership or closely held corporation, "actual
20 income" means gross receipts minus ordinary and necessary expenses required to
21 produce income.

22 (3) "Actual income" includes:

23 (i) salaries;

24 (ii) wages;

25 (iii) commissions;

- 1 (iv) bonuses;
- 2 (v) dividend income;
- 3 (vi) pension income;
- 4 (vii) interest income;
- 5 (viii) trust income;
- 6 (ix) annuity income;
- 7 (x) Social Security benefits;
- 8 (xi) workers' compensation benefits;
- 9 (xii) unemployment insurance benefits;
- 10 (xiii) disability insurance benefits;
- 11 (xiv) for the obligor, any third party payment paid to or for a minor
- 12 child as a result of the obligor's disability, retirement, or other compensable claim;
- 13 (xv) alimony or maintenance received; and
- 14 (xvi) expense reimbursements or in-kind payments received by a
- 15 parent in the course of employment, self-employment, or operation of a business to
- 16 the extent the reimbursements or payments reduce the parent's personal living
- 17 expenses.

18 (4) Based on the circumstances of the case, the court may consider the

19 following items as actual income:

- 20 (i) severance pay;
- 21 (ii) capital gains;
- 22 (iii) gifts; [or]
- 23 (iv) prizes; OR

24 (V) VOLUNTARY CONTRIBUTIONS BY AN EMPLOYEE TO A

25 DEFERRED COMPENSATION PLAN OR TO ANY OTHER FORM OF PENSION PLAN,

26 RETIREMENT PLAN, OR INCOME DEFERRAL PLAN.

27 (5) "Actual income" does not include benefits received from

28 means-tested public assistance programs, including temporary cash assistance,

29 Supplemental Security Income, food stamps, and transitional emergency, medical,

30 and housing assistance.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.