D4 6lr0752 SB 367/05 - JPR CF 6lr0751

By: Senators Grosfeld, Britt, Currie, Forehand, Garagiola, Giannetti, Gladden, Jones, Kelley, Klausmeier, Pinsky, and Teitelbaum

Introduced and read first time: January 16, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1	AN ACT concerning	

- 2 Family Law Child Support Deviation from Child Support Guidelines
- 3 FOR the purpose of establishing certain factors that a court is required to consider
- 4 when determining whether the application of the child support guidelines would
- 5 be unjust or inappropriate in a particular case; and generally relating to the
- 6 child support guidelines.
- 7 BY repealing and reenacting, with amendments,
- 8 Article Family Law
- 9 Section 12-202(a)
- 10 Annotated Code of Maryland
- 11 (2004 Replacement Volume and 2005 Supplement)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 13 MARYLAND, That the Laws of Maryland read as follows:
- 14 Article Family Law
- 15 12-202.
- 16 (a) Subject to the provisions of paragraph (2) of this subsection, in any
- 17 proceeding to establish or modify child support, whether pendente lite or permanent,
- 18 the court shall use the child support guidelines set forth in this subtitle.
- 19 (2) (i) There is a rebuttable presumption that the amount of child
- 20 support which would result from the application of the child support guidelines set
- 21 forth in this subtitle is the correct amount of child support to be awarded.
- 22 (ii) The presumption may be rebutted by evidence that the
- 23 application of the guidelines would be unjust or inappropriate in a particular case.
- 24 (iii) In determining whether the application of the guidelines would
- 25 be unjust or inappropriate in a particular case, the court may consider:

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3 4 5 6	mortgages or marital debts, I use and possession order or any direct payments made for	payment or or the ben considera	the terms of any existing separation or property necluding any provisions for payment of of college education expenses, the terms of any ecupy to the family home under an agreement, efit of the children required by agreement or ations set out in an existing separation or ret order; [and]
	children to whom that parent parent is directly contributing		the presence in the household of either parent of other duty of support and the expenses for whom that
11 12	PARENT HAS AN INTER	3. EST; AN	THE VALUE OF ALL OF THE ASSETS IN WHICH EITHER D
	LIVING THAT IS SUBSTA HAD IF THE PARENTS H		THE ENTITLEMENT OF THE CHILD TO A STANDARD OF LY SIMILAR TO THAT WHICH THE CHILD WOULD HAVE IAINED TOGETHER.
18		the house	resumption may not be rebutted solely on the basis of chold of either parent of other children to whom d the expenses for whom that parent is directly
22	(v) 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 from the guidelines.		
24		2.	The court's finding shall state:
25 26	under the guidelines;	A.	the amount of child support that would have been required
27		B.	how the order varies from the guidelines;
28		C.	how the finding serves the best interests of the child; and
	portion of the support presu items conveyed.	D. med unde	in cases in which items of value are conveyed instead of a er the guidelines, the estimated value of the
32 33	SECTION 2. AND BE October 1, 2006.	IT FURT	HER ENACTED, That this Act shall take effect