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

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Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law - Child Support - Deviation from Child Support Guidelines**

3 FOR the purpose of ~~establishing certain factors~~ adding a certain factor that a court is  
4 ~~required~~ authorized to consider when determining whether the application of  
5 the child support guidelines would be unjust or inappropriate in a particular  
6 case; and generally relating to the 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) (1) 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.

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

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

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

12 2. the presence in the household of either parent of other  
13 children to whom that parent owes a duty of support and the expenses for whom that  
14 parent is directly contributing; AND

15 3. THE VALUE OF ALL OF THE ASSETS IN WHICH EITHER  
16 PARENT HAS AN INTEREST; ~~AND~~

17 4. ~~THE ENTITLEMENT OF THE CHILD TO A STANDARD OF~~  
18 ~~LIVING THAT IS SUBSTANTIALLY SIMILAR TO THAT WHICH THE CHILD WOULD HAVE~~  
19 ~~HAD IF THE PARENTS HAD REMAINED TOGETHER.~~

20 (iv) The presumption may not be rebutted solely on the basis of  
21 evidence of the presence in the household of either parent of other children to whom  
22 that parent owes a duty of support and the expenses for whom that parent is directly  
23 contributing.

24 (v) 1. If the court determines that the application of the  
25 guidelines would be unjust or inappropriate in a particular case, the court shall make  
26 a written finding or specific finding on the record stating the reasons for departing  
27 from the guidelines.

28 2. The court's finding shall state:

29 A. the amount of child support that would have been required  
30 under the guidelines;

31 B. how the order varies from the guidelines;

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

33 D. in cases in which items of value are conveyed instead of a  
34 portion of the support presumed under the guidelines, the estimated value of the  
35 items conveyed.

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

