HOUSE BILL 264

D4 7lr1879 HB 455/06 – JUD

By: **Delegate Dumais**

Introduced and read first time: January 29, 2007

Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning 1

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

- 3 FOR the purpose of establishing certain additional factors that a court is authorized to 4
- consider when determining whether the application of the child support
- 5 guidelines would be unjust or inappropriate in a particular case; and generally
- 6 relating to the child support guidelines.
- 7 BY repealing and reenacting, with amendments,
- Article Family Law 8
- 9 Section 12–202(a)
- Annotated Code of Maryland 10
- (2006 Replacement Volume) 11
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 12
- MARYLAND, That the Laws of Maryland read as follows: 13
- 14 **Article - Family Law**
- 12-202.15
- 16 **(1)** Subject to the provisions of paragraph (2) of this subsection, in any (a)
- proceeding to establish or modify child support, whether pendente lite or permanent, 17
- 18 the court shall use the child support guidelines set forth in this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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from the guidelines.

1 2 3	(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.
4 5	(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.
6 7	(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:
8 9 10 11 12 13 14	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 use and possession order or right to occupy to the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; [and]
15 16 17	2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing;
18 19	3. THE VALUE OF ALL OF THE ASSETS IN WHICH EITHER PARENT HAS AN INTEREST; AND
20 21 22	4. THE ENTITLEMENT OF THE CHILD TO A STANDARD OF LIVING THAT IS SUBSTANTIALLY SIMILAR TO THAT WHICH THE CHILD WOULD HAVE HAD IF THE PARENTS HAD REMAINED TOGETHER.
23 24 25 26	(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.
27 28	(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

2. The court's finding shall state:

a written finding or specific finding on the record stating the reasons for departing

1 2	A. the amount of child support that would have been required under the guidelines;
3	B. how the order varies from the guidelines;
4 5	C. how the finding serves the best interests of the child and
6 7 8	D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.
9 10	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.