

HOUSE BILL 266

D4
HB 547/06 – JUD

71r1877

By: **Delegate Dumais**
Introduced and read first time: January 29, 2007
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 (2006 Replacement Volume)

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
19 a business, or joint ownership of a partnership or closely held corporation, “actual

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 income” means gross receipts minus ordinary and necessary expenses required to
2 produce income.

3 (3) “Actual income” includes:

4 (i) salaries;

5 (ii) wages;

6 (iii) commissions;

7 (iv) bonuses;

8 (v) dividend income;

9 (vi) pension income;

10 (vii) interest income;

11 (viii) trust income;

12 (ix) annuity income;

13 (x) Social Security benefits;

14 (xi) workers’ compensation benefits;

15 (xii) unemployment insurance benefits;

16 (xiii) disability insurance benefits;

17 (xiv) for the obligor, any third party payment paid to or for a
18 minor child as a result of the obligor’s disability, retirement, or other compensable
19 claim;

20 (xv) alimony or maintenance received; and

21 (xvi) expense reimbursements or in-kind payments received by a
22 parent in the course of employment, self-employment, or operation of a business to the
23 extent the reimbursements or payments reduce the parent’s personal living expenses.

24 (4) Based on the circumstances of the case, the court may consider the
25 following items as actual income:

1 (i) severance pay;

2 (ii) capital gains;

3 (iii) gifts; [or]

4 (iv) prizes; **OR**

5 (v) **VOLUNTARY CONTRIBUTIONS BY AN EMPLOYEE TO A**
6 **DEFERRED COMPENSATION PLAN OR TO ANY OTHER FORM OF PENSION PLAN,**
7 **RETIREMENT PLAN, OR INCOME DEFERRAL PLAN.**

8 (5) "Actual income" does not include benefits received from
9 means-tested public assistance programs, including temporary cash assistance,
10 Supplemental Security Income, food stamps, and transitional emergency, medical, and
11 housing assistance.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2007.