

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 500

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “guidelines;” insert “repealing provisions of law establishing that the adoption or revision of the child support guidelines may be grounds for requesting a modification of a child support award based on a material change in circumstances under certain circumstances; establishing that the adoption or revision of the child support guidelines is not a material change of circumstance for the purpose of a modification of a child support award;”; in line 6, after “changes;” insert “providing for a delayed effective date;”; and in line 14, after “(k)” insert “, 12-202.”.

AMENDMENT NO. 2

On page 2, after line 14, insert:

“12-202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(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.

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

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

(Over)

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 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

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.

(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.

(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.

2. The court's finding shall state:

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

B. how the order varies from the guidelines;

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

and

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.

(b) [(1) Subject to the provisions of paragraph (2) of this subsection, the] THE adoption or revision of the guidelines set forth in this subtitle [may be grounds for requesting a modification of a child support award based on a material change in circumstances] IS NOT A MATERIAL CHANGE OF CIRCUMSTANCE FOR THE PURPOSE OF A MODIFICATION OF A CHILD SUPPORT AWARD.

[(2) The adoption or revision of the guidelines set forth in this subtitle may not be grounds for requesting a modification of a child support award based on a material change in circumstances unless the use of the guidelines would result in a change in the award of 25% or more.]

(c) On or before January 1, 1993, and at least every 4 years after that date, the Child Support Enforcement Administration of the Department of Human Resources shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2-1246 of the State Government Article.”.

AMENDMENT NO. 3

On pages 12 through 19, strike in their entirety the lines beginning with line 42 on page 12 through line 33 on page 19, inclusive.

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AMENDMENT NO. 4

On page 21, in line 11, strike “2010” and substitute “2011”.