

SB0252/653524/2

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 252  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “guidelines;” insert “requiring a court, at the request of a party, to hear certain evidence and make a certain determination relating to an award of child support;”; and in line 14, after “(k)” insert “, 12-202(a),”.

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:

**1. AT THE REQUEST OF A PARTY, SHALL HEAR EVIDENCE OF THE REASONABLE NEEDS OF THE CHILD OR CHILDREN AND THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT AND DETERMINE**

(Over)

WHETHER THE APPLICATION OF THE GUIDELINES WOULD NOT MEET OR WOULD EXCEED THE REASONABLE NEEDS OF THE CHILD OR CHILDREN IN LIGHT OF THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT; AND

2. may consider:

[1.] A. 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.] B. 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.”.