

HOUSE BILL 294

D4

2lr1489

By: **Delegates Vitale, Dumais, Eckardt, Kipke, Lafferty, McDermott, Schulz, and Smigiel**

Introduced and read first time: January 27, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Child Care Expenses**

3 FOR the purpose of requiring that certain child care expenses incurred on behalf of a
4 child due to the full-time attendance by either parent at a certain educational
5 institution be added to the basic child support obligation and divided by the
6 parents in proportion to their adjusted actual incomes under the child support
7 guidelines; and generally relating to child support obligations.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 12–204(g)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2011 Supplement)

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 12–204.

17 (g) (1) Subject to paragraphs (2) and (3) of this subsection, actual child
18 care expenses incurred on behalf of a child due to employment or job search of either
19 parent **OR FULL-TIME ATTENDANCE BY EITHER PARENT AT AN INSTITUTION OF**
20 **HIGHER EDUCATION OR AN INSTITUTION OF POSTSECONDARY EDUCATION, AS**
21 **DEFINED IN § 10–101 OF THE EDUCATION ARTICLE**, shall be added to the basic
22 obligation and shall be divided between the parents in proportion to their adjusted
23 actual incomes.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Child care expenses shall be:

2 (i) determined by actual family experience, unless the court
3 determines that the actual family experience is not in the best interest of the child; or

4 (ii) if there is no actual family experience or if the court
5 determines that actual family experience is not in the best interest of the child:

6 1. the level required to provide quality care from a
7 licensed source; or

8 2. if the obligee chooses quality child care with an actual
9 cost of an amount less than the level required to provide quality care from a licensed
10 source, the actual cost of the child care expense.

11 (3) Additional child care expenses may be considered if a child has
12 special needs.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2012.