## **HOUSE BILL 1010**

 $\begin{array}{c} \mathrm{D4} \\ \mathrm{HB} \ 35/11 - \mathrm{JUD} \end{array}$ 

By: Delegates McConkey and Vitale

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

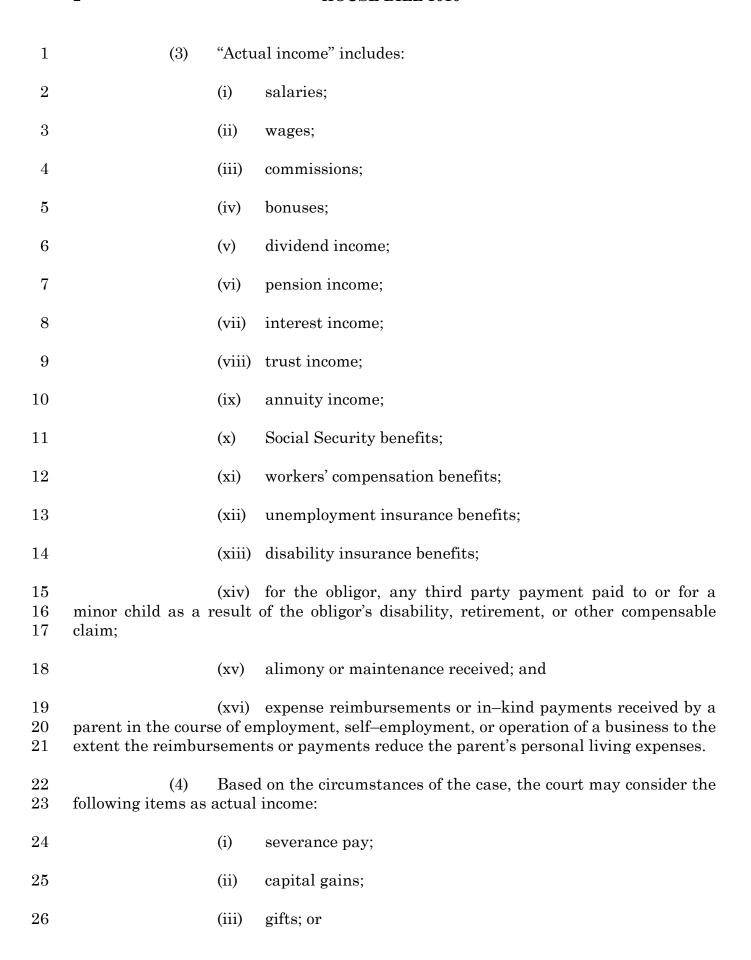
## A BILL ENTITLED

1 AN ACT concerning 2 Family Law - Child Support - Definition of Actual Income 3 FOR the purpose of excluding certain wages received from overtime work or a second job from the definition of "actual income" for the purposes of calculating child 4 5 support; and generally relating to child support. 6 BY repealing and reenacting, with amendments, 7 Article – Family Law 8 Section 12–201(b) 9 Annotated Code of Maryland 10 (2006 Replacement Volume and 2011 Supplement) 11 BY repealing and reenacting, without amendments, Article – Family Law 12 Section 12–201(h) 13 Annotated Code of Maryland 14 15 (2006 Replacement Volume and 2011 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 16 MARYLAND, That the Laws of Maryland read as follows: 17 Article - Family Law 18 19 12 - 201."Actual income" means income from any source. 20 (b) (1) 21For income from self-employment, rent, royalties, proprietorship of 22 a business, or joint ownership of a partnership or closely held corporation, "actual 23 income" means gross receipts minus ordinary and necessary expenses required to 24 produce income.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1	(iv) prizes.
2	(5) "Actual income" does not include:
3 4 5	(I) benefits received from means—tested public assistance programs, including temporary cash assistance, Supplemental Security Income, food stamps, and transitional emergency, medical, and housing assistance; OR
6 7 8 9	(II) WAGES RECEIVED FROM OVERTIME WORK OR A SECOND JOB THAT ARE PAID FOR WORK IN EXCESS OF 40 HOURS PER WEEK, AVERAGED OVER A 12-MONTH PERIOD, IF THE COURT FINDS THAT THE PARENT WORKED THE EXCESS HOURS TO PAY OFF ALIMONY OR CHILD SUPPORT ARREARAGES.
10	(h) "Income" means:
11 12	(1) actual income of a parent, if the parent is employed to full capacity; or
13 14	(2) potential income of a parent, if the parent is voluntarily impoverished.
15 16	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.