

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 220 (Senator Shank)
Judicial Proceedings

Family Law - Child Support - Modification

This bill prohibits a court from retroactively increasing a child support award prior to the date of the order awarding the increase if the obligor is not in arrears in making child support payments.

Fiscal Summary

State Effect: The bill does not materially impact the workload of the Judiciary. Potential minimal decrease in special fund revenues to the extent that the bill decreases the amount of child support collected.

Local Effect: The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: In a proceeding to establish or modify child support, whether *pendente lite* or permanent, the court is required to use the child support guidelines. The basic child support obligation is established in accordance with a schedule provided in statute. The court may modify a child support award subsequent to the filing of a motion for modification and upon a showing of a material change of circumstances. The court may not retroactively modify a child support award prior to the date of the filing of the motion for modification.

State Revenues: Special fund revenues may decrease to the extent that the bill decreases the amount of child support collected on behalf of temporary cash assistance (TCA)

recipients. TCA recipients must assign their support rights to the State and federal government as partial reimbursement for TCA payments made on behalf of the children of the obligor; as a result, TCA child support collections are distributed 50% to the State and 50% to the federal government. Any such decrease cannot be quantified at this time due to the unavailability of data; however, any potential impact on special fund revenues is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - January 28, 2014
mm/kdm

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