

HOUSE BILL 850

D4

6lr3122

By: **Delegates McComas, Krebs, and Vogt**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Health Insurance – Definition**

3 FOR the purpose of defining the term “health insurance” for purposes of calculating a child
4 support obligation under the child support guidelines; and generally relating to child
5 support.

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 12–201
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2015 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Family Law**

14 12–201.

15 (a) In this subtitle the following words here the meanings indicated.

16 (b) (1) “Actual income” means income from any source.

17 (2) For income from self–employment, rent, royalties, proprietorship of a
18 business, or joint ownership of a partnership or closely held corporation, “actual income”
19 means gross receipts minus ordinary and necessary expenses required to produce income.

20 (3) “Actual income” includes:

21 (i) salaries;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) wages;
- 2 (iii) commissions;
- 3 (iv) bonuses;
- 4 (v) dividend income;
- 5 (vi) pension income;
- 6 (vii) interest income;
- 7 (viii) trust income;
- 8 (ix) annuity income;
- 9 (x) Social Security benefits;
- 10 (xi) workers' compensation benefits;
- 11 (xii) unemployment insurance benefits;
- 12 (xiii) disability insurance benefits;
- 13 (xiv) for the obligor, any third party payment paid to or for a minor
- 14 child as a result of the obligor's disability, retirement, or other compensable claim;
- 15 (xv) alimony or maintenance received; and
- 16 (xvi) expense reimbursements or in-kind payments received by a
- 17 parent in the course of employment, self-employment, or operation of a business to the
- 18 extent the reimbursements or payments reduce the parent's personal living expenses.

19 (4) Based on the circumstances of the case, the court may consider the
20 following items as actual income:

- 21 (i) severance pay;
- 22 (ii) capital gains;
- 23 (iii) gifts; or
- 24 (iv) prizes.

25 (5) "Actual income" does not include benefits received from means-tested
26 public assistance programs, including temporary cash assistance, Supplemental Security
27 Income, food stamps, and transitional emergency, medical, and housing assistance.

1 (c) “Adjusted actual income” means actual income minus:

2 (1) preexisting reasonable child support obligations actually paid; and

3 (2) except as provided in § 12–204(a)(2) of this subtitle, alimony or
4 maintenance obligations actually paid.

5 (d) “Adjusted basic child support obligation” means an adjustment of the basic
6 child support obligation for shared physical custody.

7 (e) “Basic child support obligation” means the base amount due for child support
8 based on the combined adjusted actual incomes of both parents.

9 (f) “Combined adjusted actual income” means the combined monthly adjusted
10 actual incomes of both parents.

11 (g) (1) “Extraordinary medical expenses” means uninsured expenses over
12 \$100 for a single illness or condition.

13 (2) “Extraordinary medical expenses” includes uninsured, reasonable, and
14 necessary costs for orthodontia, dental treatment, asthma treatment, physical therapy,
15 treatment for any chronic health problem, and professional counseling or psychiatric
16 therapy for diagnosed mental disorders.

17 (h) **“HEALTH INSURANCE” INCLUDES MEDICAL INSURANCE, DENTAL
18 INSURANCE, AND VISION INSURANCE.**

19 (i) “Income” means:

20 (1) actual income of a parent, if the parent is employed to full capacity; or

21 (2) potential income of a parent, if the parent is voluntarily impoverished.

22 [(i)] (j) “Obligee” means any person who is entitled to receive child support.

23 [(j)] (k) “Obligor” means an individual who is required to pay child support
24 under a court order.

25 [(k)] (l) “Ordinary and necessary expenses” does not include amounts allowable
26 by the Internal Revenue Service for the accelerated component of depreciation expenses or
27 investment tax credits or any other business expenses determined by the court to be
28 inappropriate for determining actual income for purposes of calculating child support.

29 [(l)] (m) “Potential income” means income attributed to a parent determined by
30 the parent’s employment potential and probable earnings level based on, but not limited

1 to, recent work history, occupational qualifications, prevailing job opportunities, and
2 earnings levels in the community.

3 ~~[(m)]~~ **(N)** (1) “Shared physical custody” means that each parent keeps the
4 child or children overnight for more than 35% of the year and that both parents contribute
5 to the expenses of the child or children in addition to the payment of child support.

6 (2) Subject to paragraph (1) of this subsection, the court may base a child
7 support award on shared physical custody:

8 (i) solely on the amount of visitation awarded; and

9 (ii) regardless of whether joint custody has been granted.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2016.