

Department of Legislative Services
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 731
Judiciary

(Delegate Rosenberg)

Child Support Guidelines - Revision

This bill revises the schedule of basic child support obligations used to calculate child support under the State's child support guidelines by repealing the range of \$20 to \$150 per month child support and instead adding specified amounts to the schedule for combined monthly adjusted incomes of \$100 to \$1,200.

Fiscal Summary

State Effect: The bill does not materially impact the workload of the Judiciary. Minimal increase or decrease in special fund revenues to the extent that the bill alters the amount of child support ordered in cases involving specified amounts.

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. There is a rebuttable presumption that the amount of child support that would result from the application of the guidelines is the correct amount of support to be awarded. The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case. The current schedule uses the combined monthly adjusted actual income of both parents and the number of children for whom support is required to determine the basic child support obligation. The maximum combined monthly income subject to the schedule is \$15,000.

For monthly incomes up to \$1,200, the schedule provides for a basic child support obligation of \$20 to \$150 per month, based on the resources and living expenses of the obligor and the number of children due support.

In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider 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. The adoption or revision of the guidelines may be grounds for requesting a modification of a child support award based on a material change in circumstances only if the use of the guidelines would result in a change in the award of 25% or more.

Background: Maryland's child support guidelines were last revised pursuant to Chapters 262 and 263 of 2010. Federal regulations require states to review their child support guidelines at least once every four years.

State Revenues: Temporary Cash Assistance (TCA) recipients must assign their support rights to the State and federal governments as partial reimbursement for 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. Special fund revenues may increase or decrease to the extent that the amounts ordered pursuant to the new schedule differ from what would otherwise have been ordered. Any such impact cannot be quantified due to the unavailability of data.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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