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§12–202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection and subsection (c) of this section, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider any financial considerations:

1. specified in an existing separation or property settlement agreement or court order, including:

A. any provisions for payment of mortgages, marital debts, or college education expenses;

B. the terms of any use and possession order or right to occupy the family home under an agreement; and

C. any direct payments made for the benefit of the children required by the agreement or order;

2. that the court deems relevant to the best interests of the child who is the subject of the child support order; or

3. that would leave the obligor with a monthly actual income below 110% of the 2019 federal poverty level for an individual.

(iv) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child who is the subject of the order; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

(b) After establishing a child support order, the court shall send a copy of the guideline calculation and the order to the Child Support Administration.

(c) (1) The court may decline to establish a child support order if the parent who would have the obligation to pay child support:

(i) lives with the child who would be the subject of the child support order and is contributing to the support of the child; or

(ii) 1. is unemployed;

2. has no financial resources from which to pay child support; and

3. A. is incarcerated and is expected to remain incarcerated for the remainder of the time that the parent would have a legal duty to support the child;

B. is institutionalized in a psychiatric care facility and is expected to remain institutionalized for the remainder of the time that the parent would have a legal duty to support the child;

C. is totally and permanently disabled, is unable to obtain or maintain employment, and has no income other than Supplemental Security Income or Social Security disability insurance benefits; or

D. is unable to obtain or maintain employment in the foreseeable future due to compliance with criminal detainment, hospitalization, or a rehabilitation treatment plan.

(2) The fact that a parent meets or ceases to meet the criteria described in paragraph (1) of this subsection shall constitute a material change of circumstance for the purpose of a modification of a child support award.

(d) The adoption or revision of the guidelines set forth in this subtitle is not a material change of circumstance for the purpose of a modification of a child support award.

(e) On or before January 1, 1993, and at least every 4 years after that date, the Child Support Administration of the Department of Human Services shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2–1257 of the State Government Article.

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