

# SENATE BILL 548

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6lr2364

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By: Senator Charles

Introduced and read first time: February 4, 2026

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Support – Determination of Custody and Agreements**  
3 **Between Parents**

4 FOR the purpose of requiring that a court determine custody before awarding child support  
5 under certain circumstances; establishing a conclusive presumption that the  
6 application of the child support guidelines would be unjust or inappropriate if there  
7 is a certain agreement between the parents; and generally relating to the child  
8 support guidelines.

9 BY repealing and reenacting, with amendments,  
10 Article – Family Law  
11 Section 12–202(a)  
12 Annotated Code of Maryland  
13 (2019 Replacement Volume and 2025 Supplement)

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

16 **Article – Family Law**

17 12–202.

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

22 **(II) BEFORE AWARDING CHILD SUPPORT, THE COURT SHALL**  
23 **DETERMINE CUSTODY IN ACCORDANCE WITH TITLE 9 OF THIS ARTICLE IF:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                           **1. REQUESTED BY A PARENT IN THE CHILD SUPPORT**  
2   **PROCEEDING; AND**

3                           **2. THERE HAS BEEN NO PRIOR JUDICIAL**  
4   **DETERMINATION OF CUSTODY.**

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

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

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

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

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

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

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

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

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

25                          **(IV) THERE IS A CONCLUSIVE PRESUMPTION THAT THE**  
26 **APPLICATION OF THE GUIDELINES TO AN AGREEMENT BETWEEN THE PARENTS**  
27 **THAT DEPARTS FROM THE GUIDELINES WOULD BE UNJUST OR INAPPROPRIATE IF**  
28 **THE PARENTS MUTUALLY ASSERT THAT THE AGREEMENT IS IN THE BEST INTEREST**  
29 **OF THE CHILD.**

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

1                   2. The court's finding shall state:

2                   A. the amount of child support that would have been required

3 under the guidelines;

4                   B. how the order varies from the guidelines;

5                   C. how the finding serves the best interests of the child who

6 is the subject of the order; and

7                   D. in cases in which items of value are conveyed instead of a

8 portion of the support presumed under the guidelines, the estimated value of the items

9 conveyed.

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

11 October 1, 2026.