

SENATE BILL 548

D4

6lr2364

By: **Senator Charles**

Introduced and read first time: February 4, 2026

Assigned to: Judicial Proceedings

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:**

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.

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