

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1144
Judiciary

(Delegate Crutchfield)

Child Support - Adjusted Actual Income - Definition

This bill alters the definition of “adjusted actual income” under the child support guidelines, specific to the conditions under which an allowance of support for other children living in the home must be deducted from actual income. Under the bill, “adjusted actual income” means actual income minus – in addition to certain obligations paid, consistent with existing provisions – an allowance of support for each child living in the parent’s home to whom the parent owes a legal duty of support if the child is considered to be spending *more than 25% of the child’s overnights (at least 92 overnights)* in the parent’s home in a year and not subject to the support order.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

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. 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. Adjusted actual income, which is the basis for determining the basic child support obligation, is calculated from actual income minus (1) preexisting reasonable child support obligations actually paid; (2) except as specified, alimony or maintenance obligations actually paid; and (3) an allowance for support for each child living in the

parent's home to whom the parent owes a legal duty of support if the child is considered to be spending *more than* 92 overnights in the parent's home in a year and not subject to the support order.

For purposes of determining the allowance deduction, the following calculation must be used:

- the basic support obligation for each additional child in the parent's home must be determined according to the guidelines, using only the actual income of the parent entitled to the deduction; and
- this amount is to be multiplied by 75%.

This amount is to be subtracted from the parent's actual income before the child support obligation is computed. The court must decline awarding an allowance under these provisions if the court finds, after considering the evidence and the best interest of the child for whom support is being determined, that the application of an allowance would be unjust or inappropriate.

The child support statute establishes a rebuttable presumption that the amount of child support that would result from the application of the child support guidelines is the correct amount of child support that the court is to award. The presumption may be rebutted, however, by evidence that the application of the guidelines would be unjust or inappropriate in a particular case. If the court determines that application of the guidelines would be unjust or inappropriate in a particular case, the court must make a written finding or specific finding on the record that states the reasons for departure from the guidelines, as required by statute.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

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jg/jkb

Analysis by: Amanda L. Douglas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510