

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 548

(Senator Charles)

Judicial Proceedings

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Family Law - Child Support - Determination of Custody and Agreements  
Between Parents

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This bill requires a court, before awarding child support, to determine custody in accordance with Title 9 of the Family Law Article if (1) requested by a parent in the child support proceeding and (2) there has been no prior judicial determination of custody. The bill establishes a conclusive presumption that the application of the guidelines to an agreement between the parents that departs from the guidelines would be unjust or inappropriate if the parents mutually assert that the agreement is in the best interest of the child.

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Fiscal Summary

**State Effect:** *Potential* reduction in federal fund revenues associated with federal child support incentive payments, as discussed below. State expenditures *may* also increase to the extent the bill's provisions result in additional families seeking public assistance, as discussed below. The bill is not anticipated to materially impact the operations or finances of the Judiciary.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** Title 9 of the Family Law Article generally outlines custody proceedings and required judicial determinations, as specified.

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.

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 to be awarded. The presumption may be rebutted, however, by evidence that the application of the guidelines would be unjust or inappropriate in a particular case. In determining whether the application of the guidelines would be unjust or inappropriate, the court may consider specified factors, as further discussed below. 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, including how the finding serves the best interests of the child.

In determining whether the application of the guidelines is unjust or inappropriate, the court may consider, among other things, any financial considerations specified in an existing separation or property settlement agreement or court order.

**State Fiscal Effect:** DHS receives performance incentive payments related to certain federal performance goals, including establishing a child support order within 90 days of locating a parent. For context, DHS advises that it received \$7.5 million in federal incentive payments in federal fiscal 2023. By requiring the resolution of custody matters when requested by a parent *before* a court may award a child support order, there is likely to be an overall delay in establishing support orders, potentially impacting achievement of federal performance goals and corresponding incentive payments.

Further, DHS advises that the bill's provisions may result in custodial parents applying for public assistance programs, such as temporary cash assistance or the Supplemental Nutrition Assistance Program, when (1) the custodial parent is not receiving adequate support from the noncustodial parent based on the agreement between the parties or (2) establishment of a support order is delayed. Accordingly, the bill may result in increased operational impacts for DHS, as well as increased State expenditures associated with the provision of benefits.

As any impacts exclusively attributable the bill cannot be reliably estimated, they are not specifically reflected in this analysis.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 660 of 2025.

**Designated Cross File:** None.

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

**Fiscal Note History:** First Reader - February 17, 2026  
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