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BILL NO: Senate Bill 579

TITLE: Child Support – Shared Physical Custody

COMMITTEE: Judicial Proceedings

HEARING DATE: February 6, 2020

POSITION: **SUPPORT**

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Senate Bill 579 would alter how child support is calculated when the parties have “shared physical custody.” The Women’s Law Center (WLC) supports SB 579 as it would help reduce the serious “cliff effect” that currently exists in our calculation in shared custody cases, and more accurately reflect real costs of having a child with a parent. Maryland is required to review its Child Support Guidelines, located in MD Code Ann. Family Law §12-101 et seq., every four years under federal law. The WLC participated in the advisory committee work for its 18 months or so duration, and this bill arises as a recommendation from that Committee.

The WLC operates a statewide family law hotline and also provides direct representation in family law cases. We are very aware that the current shared custody calculation causes what is commonly referred to as the “cliff effect” if the “noncustodial parent” has the child for more than 128 overnights. Currently, under Maryland Law, there are two different mathematical calculations for child support purposes. One is for “sole custody” - when the “noncustodial parent” has the child or children for less than 128 nights (of 365) per year. The other is the shared custody calculation for those cases where the other parent has the child for 128 to 185 nights per year. SB 579 would alter the way support in shared custody cases is calculated. There is a drastic reduction in the amount of support owed if the noncustodial parent has the child for more than those 128 nights. Working with an economist, SB 579 was devised to change the amount so that the shared custody calculation would begin at a lower number of overnights. This in turn reduces the “cliff,” making it less steep.

Specifically, SB 579 establishes a formula for the calculation of child support obligations when a parent has overnights between 92 to 109 overnights per year. We are aware that the Child Support Administration is providing a visual with its testimony that will clearly illustrate the ameliorating effect of SB 579. We firmly believe that making this “cliff” less steep will reduce conflict and litigation between parties trying to settle the future of their children. Too often, we see parties negotiating around the 128 nights, setting aside other factors and not focusing on the best interests of the child. SB 579 will help in those cases where a parent doesn’t really necessarily want to, or can’t have the child for more than 128 nights, but wants to pay less child support.

The over-arching goal of the Child Support Advisory Committee was to be realistic in addressing what people can actually afford, to encourage payment, and to support children. This is one bill (of several being proposed this year) that seeks to accomplish that goal. Of the packet of bills being offered this year, we think this bill might have the most drastic improving effect on our families in Maryland.

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on Senate Bill 579.

*The Women’s Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.*