



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Charles E. Sydnor III
Regarding SB-0579 Child Support – Shared Physical Custody
Before the Senate Judicial Proceedings Committee
On February 6, 2020**

Good afternoon Chair Smith, Vice Chair Waldstreicher, Judicial Proceedings Committee.

This bill establishes a formula for the calculation of a child support obligation under the child support guidelines when a parent with shared physical custody keeps the child or children overnight for more than 25% but less than 30% of the year. The bill alters the threshold of overnight stays, from “more than 35%” to “more than 25%,” that confers the status of “shared physical custody” for purposes of determining a child support obligation.

As previously indicated, current law stipulates that “shared physical custody” applies when each parent keeps the child or children overnight for more than 35% of the year. Upon meeting the 35% threshold, an assumption follows that both parents contribute to the child associated expenses in addition to child support payments. Indeed, the assumption is part of the statute. Unfortunately, parental conflict arises because adding a couple of overnight stays that result in reaching 35% can lead to a precipitous drop in child support obligation, a drop known as the cliff effect. The perception that custody arrangements are negotiated and overnight visitations added in order for support obligations to be diminished rather than in the child’s best interest makes the arrangements appear unjust and driven by material gain. It is easy to imagine the familial acrimony that follows such a perception.

The purpose of this bill is to even out the cliff effect. The decline in obligation would become more gradual. Senate Bill 579 accomplishes this by adjusting the basic child support obligation when a parent keeps the child or children overnight for more than 25% but less than 30% of the year. When this occurs, the bill offers a gradual calculation for support based on number of overnight stays. The gradual decline in obligation is designed to render a more financially accurate and fair child support assessment.

This bill is based on the work of the Department of Human Services’ Child Support Guidelines Advisory Committee, Cliff Effect Subcommittee. The bill has prospective application and only applies to cases filed on or after the October 1, 2020 effective date. Respectfully, I request a favorable report for Senate Bill 579.