
To: Members of The House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Ilene Glickman, Esquire and Dan Renart, Esquire
Legislative Co-Chairs

Date: February 20, 2020

Subject: **House Bill 946:**
Child Support – Guidelines

Position: **SUPPORT**

The Maryland State Bar Association (MSBA) FJLSC **supports House Bill 946 – Child Support - Guidelines.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

The existing Maryland Support Guidelines child support schedule is based upon economic data that is over a decade old. The Guidelines provide no economic guidance to Judges in cases in which the parents’ combined monthly incomes is less than \$1,250, instead simply providing that Judges utilize discretion in setting the amount of child support in such cases. In many such cases, however, the Courts simply default to awarding the support that is specified in the Guidelines for cases in which the combined monthly income is between \$1,250 and \$1,299. Furthermore, at present, the Guidelines schedule ends at the point at which the parties’ combined monthly incomes reach \$15,000. [Since 1989, when the Guidelines were first established, there has only been a single expansion of the support schedule from the original combined monthly income threshold of \$10,000 to the existing \$15,000 threshold.]. Once the

parties' combined adjusted actual incomes exceed \$15,000 per month, Judges utilize discretion in setting child support. Often, the Bench utilizes a computer program called SASI-CALC to extrapolate the Guidelines support schedule in cases involving combined incomes in excess of \$15,000. However, the child support figures that result from this extrapolation by SASI-CALC is based upon a computer algorithm, as opposed to existing economic data.

HB946 creates improvements to the existing Child Support Guidelines by:

- Establishing presumptively-correct support obligations for cases in which the combined monthly income is less than \$1,250, also factoring in a self-support reserve that is based upon more current economic data than that which was last utilized in 2008;
- Extending the existing support Guidelines to provide presumptively-correct child support amounts in cases involving combined monthly incomes up to \$30,000. Unlike the extrapolation provided by SASI-CALC, SB763 Guideline's support obligations for the \$15,000 to \$30,000 income range is based upon current economic data; and
- Lessening judicial discretion in both low-income and higher-income child support cases by creating presumptively-correct support obligations that are actually based upon current economic data. In turn, this results in more uniformity and fairness in support awards. Furthermore, more realistic child support awards that are based upon actual economic data create a greater likelihood of compliance by child support obligors.

In addition, HB946 addresses the concepts of voluntary impoverishment and potential income, both of which are currently addressed in case law. HB946 codifies the procedure for the Courts to resolve a dispute as to whether or not a parent is "voluntarily impoverished," meaning that he or she does not have adequate resources. Once such a finding is made, child support may be calculated based on a determination of that parent's potential income. HB946 codifies the factors to be considered by the Courts to determine potential income. HB946 will make it easier for *pro se* litigants to access the relevant law and will provide for more consistency throughout Maryland's Courts.

For the reason(s) stated above, the MSBA **supports House Bill 946 and urges a favorable committee report.**

Should you have any questions, please contact Ilene Glickman by e-mail at Ilene@lawhj.com or by telephone at (410) 821-8718.



520 West Fayette St., Baltimore, MD 21201

410-685-7878 | 800-492-1964

fax 410-685-1016 | tdd 410-539-3186

msba.org

Dana O. Williams
President

Hon. Mark F. Scurti
President-Elect

Delegate Erik L. Barron
Secretary

M. Natalie McSherry
Treasurer

Victor L. Velazquez
Executive Director

Dana O. Williams
President

Hon. Mark F. Scurti
President-Elect

Delegate Erik L. Barron
Secretary

M. Natalie McSherry
Treasurer

Victor L. Velazquez
Executive Director