

**Date:** February 24, 2022

**Bill number:** HB0947

**Committee:** Judiciary

**Bill title:** Family Law - Joint Custody

**DHS Position:** Letter of Information

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The Maryland Department of Human Services (DHS), thanks the Committee for the opportunity to provide information about House Bill 947 (HB 947).

House Bill 947 would require “the parties shall share equally the cost of the child’s school clothes, supplies, extracurricular activities, and uncovered medical expenses; and each party generally shall pay for the costs of supporting the child when in that party’s care.” By requiring parents with joint legal and physical custody to “share equally” certain child rearing costs, the bill does not take into account the requirement under the Shared Income Model that a parent’s responsibility to support his or her child should be based on said parent’s respective proportion of the total income that would have been available had both parents stayed together. For example, this bill would require one parent who makes \$100,000 per year to pay the same amount toward these expenses as a parent making \$10,000 per year. This is not consistent with the existing model for determining child support under Title 12, Subtitle 2 of the Family Law Article, which would divide the obligation based on the proportional income of each parent, and not split the obligation equally regardless of either parent’s income.

House Bill 947 is inconsistent with Maryland’s existing statutory framework for the child support program. The Maryland child support guidelines, which were enacted in 1989 to comply with federal law and regulations, are based on the “Income Shares Model.” The model is based on the concept that “a child should receive the same *proportion of parental income*, and thereby enjoy the standard of living, he or she would have experienced had the child’s parents remained together.” Maryland. Code Ann., Fam. Law § 12-204(a) states: “The basic child support obligation shall *be divided between the parents in proportion to their adjusted actual incomes.*” Moreover, the child support schedule contained in § 12-204(e) of the Family Law Article, is “designed to cover typical costs of raising children.

Additionally, passage of HB 947 would place federal funding for the child support program at risk. The Maryland Child Support Administration (CSA) receives 66% of its financial support from the federal government. In order to qualify for that funding CSA is required to have an approved Child Support State Plan. Loss of federal financial participation funding would amount to \$95.7 million for the child support Title IV-D program. Additionally, failure to meet the requirements for an approved Child Support State Plan would threaten receipt of block grant federal funding for Temporary Assistance to Needy Families (TANF) in the amount of \$228.3 million and TANF contingency funding in the amount of \$27.2 million.



The Department appreciates the opportunity to provide the aforementioned information to the committee for consideration during your deliberations.