

Written Testimony Regarding SB 1011 - FAVORABLE FI

Uploaded by: Alice Mutter

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

Senate Bill 1011

Family Law – Child Support – Multifamily Adjustment

In the Senate Judicial Proceedings Committee

Hearing on February 29, 2024

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on SB 1011 at the request of Senator Charles.

MLA asks that the Committee report **favorably** on Senate Bill 1011, which would alter the State’s child support guidelines by creating an income deduction for parents – both custodial and non-custodial — who are caring for additional children in their home to whom they owe a duty of support, but who are not the subject of an existing child support order. MLA is Maryland’s largest private, civil non-profit law firm, providing free legal services to indigent Maryland residents. MLA assists low-income individuals and families in every Maryland county with a wide array of civil legal issues, including family law cases such as divorce, custody, child support, and domestic violence matters. In our family law cases, MLA represents mothers as well as fathers, and custodial as well as non-custodial parents.

SB 1011 recognizes that modern American families are complex and that many parents have children from other relationships.

A growing number of families across America are made up of children from multiple relationships. A study from the U.S. Census Bureau found that, in 2021, over 10% of adults had children with multiple partners.¹ As poverty is strongly correlated with multiple-partner fertility,² MLA attorneys regularly assist low-income parents who have biological children with more than one partner.

Yet, despite the increasingly complex nature of modern families, Maryland’s current child support laws treat children as if they are each the products of neat, nuclear families. Indeed, under the existing child support guidelines, incomes of custodial and non-custodial parents are calculated as if the children at issue in the case are the parents’ *only* children, ignoring the possibility that either or both parents have

¹ See BRITTANY KING & TAYELOR VALERIO, MULTIPLE PARTNER FERTILITY RESEARCH BRIEF: 2021, U.S. CENSUS BUREAU (2023).

² See Lindsay M. Monte, *Multiple-Partner Fertility in the United States: A Demographic Portrait*, 56 DEMOGRAPHY 103 (2019); Pamela J. Smock & Christine R Schwartz, *The Demography of Families: A Review of Patterns and Change*, 82 JOURNAL OF MARRIAGE AND THE FAMILY 9 (2020).

additional children at home for whom they are also responsible. SB 1011 aims to remedy the law's failure to acknowledge that parents in child support cases may have children with multiple partners by creating an income deduction based on the number of additional dependent children each parent has in their home. This approach is hardly novel; most other states' child support guidelines offer parents a similar income deduction,³ meaning that Maryland is currently behind the curve on updating its child support laws to reflect the realities of modern families.

SB 1011 is grounded in fairness and will lead to the establishment of more realistic and accurate child support orders.

SB 1011 would amend the child support guidelines to give *both* custodial and non-custodial parents credit for additional children they each may have in their homes. Given the frequently contentious and adversarial nature of family law cases, and particularly child support matters, SB 1011 promotes equity and fairness by treating both parents equally, refusing to prioritize the needs and expenses of one parent over those of the other.

Furthermore, the adoption of SB 1011 will lead to the entry of child support orders that are more accurately based on the actual finances of each parent. By accounting for the fact that parents may be supporting additional children in their households, SB 1011 will calculate child support at a rate that realistically captures the amount of income that is actually at each parent's disposal. Research has shown that child support orders that are calculated realistically result in more frequent payments and fewer arrears.⁴ On the other hand, unrealistically high child support orders lead to insurmountable debt that interferes with a child's ability to receive care and consistent financial support from their parents.⁵

Child support is an important tool in promoting the financial stability and well-being of children, but it is most effective when it is based on the actual financial circumstances of parents. The passage of SB 1011 will improve the fairness and efficacy of Maryland's child support program by bringing our state into line with the majority of others around the country, in recognition of the changing nature of American families.

For these reasons, Maryland Legal Aid urges the Committee to issue a FAVORABLE report on SB 1011 and urge its passage. If you have any questions, please contact Alice Mutter at 301-637-1062, amutter@mdlaborg.org.

³ See Jane C. Venohr, *Child Support Guidelines and Guidelines Reviews: State Differences and Common Issues*, 47 FAM. L.Q. 327 (2013).

⁴ See VICKI TURETSKY, *THE ABELL REPORT: REFORMING CHILD SUPPORT TO IMPROVE OUTCOMES FOR CHILDREN AND FAMILIES*, THE ABELL FOUNDATION (2019).

⁵ See *id.*

SB 1011 - Family Law – Child Support – Multifamily

Uploaded by: Kam Bridges

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony in Support of Senate Bill 1011

Family Law – Child Support – Multifamily Adjustment

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Job Opportunities Task Force

DATE: February 29, 2024

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. **JOTF supports Senate Bill 1011, which would take into account the financial support an obligor is providing to additional children when calculating adjusted actual income for child support.**

Child support enforcement that strikes a balance of providing for the needs of the child without incapacitating the obligor's ability to either work and/or provide the mandated financial support is notoriously difficult to balance. However, this piece of legislation does an admirable job in taking an important step in the right direction. Senate Bill 1011 takes the crucial step of considering mitigating custodial factors when calculating adjusted actual income for child support, namely if the parent in question has additional children whom they owe a legal duty of support and spend more than a fourth of the year overnight in the parent's home. It also allows the court to decline if in the best interests of the child, awarding an allowance would be unjust or inappropriate.

The number one consideration in any and all child support orders should be the best interests of the child or children in question. In most cases, the impoverishment of one of the child's parents would not be in the child's best interests. Financial insecurity is the primary gateway of most of Maryland's largest systemic social ills, including but not limited to homelessness, drug abuse, health issues, and crime. It behooves the state to ensure that the most equitable formulas for child support calculations are used, both for the benefit of the child in question and for the health and wellness of the community as a whole. Taking into account other children a parent might be responsible for while calculating child support payments is a common sense step that Maryland should absolutely consider.

For these reasons, JOTF supports Senate Bill 1011 and urges a favorable report.

For more information, contact:

Kam Bridges / Senior Public Policy Advocate / Kam@jotf.org

SB 1011 - WLCMD - FAV.pdf

Uploaded by: Laure Ruth

Position: FAV

BILL NO: Senate Bill 1011
TITLE: Family Law – Child Support – Multifamily Adjustment
COMMITTEE: Judicial Proceedings
HEARING DATE: February 29, 2024
POSITION: **SUPPORT**

Senate Bill 1011 would alter the definition of “actual adjusted income” In the child support statute, to account for other children for whom one or both of the parties are financially responsible. The Women’s Law Center of Maryland (WLC) supports SB 1011 as it will more realistically calculate child support orders in the many cases where one or both of the parties are also financially responsible for children who are not a part of the child support order at hand.

There have been repeated attempts to add this calculation into child support law in Maryland, with other iterations of this idea. SB 1011 was drafted in consultation with many stakeholders, including an economist and others who work in the social science field of child support, as well as Maryland practitioners of family law, and child support staff from around the state.

SB 1011 would apply to both parties, the payor and the payee. It uses a mathematical formula with an “allowance” for other children for whom the party is responsible and who spends at least 92 nights with that parent. This allowance is deducted from the party’s actual income before child support is calculated. The court would also be able to consider any other financial consideration as enunciated in the bill. And overall, the court would also be determining the best interests of the child at issue.

The WLC recognizes that sometimes parties to a child support case have financial responsibility for other children than the ones who are subject of a particular child support case. SB1011 seeks to take this into account. We support the policy that child support orders should be realistic, and not cause a party to not be able to comply from the outset.

As such, The Women’s Law Center of Maryland urges a favorable report on SB 1011.

The Women’s Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.

SB1011_Multifamily Adjustment_UMSSW Testimony.pdf

Uploaded by: Letitia Passarella

Position: FAV

Senate Bill 1011 - Family Law – Child Support – Multifamily Adjustment
Senate Judicial Proceedings Committee
February 29, 2024

SUPPORT

A premise of the child support program is that all children deserve to be financially supported by both of their parents. This notion becomes complicated when parents have children with multiple partners, which national data shows has become increasingly common. Among parents with two or more children, 24% had those children with multiple partners.¹ Maryland Family Law addresses this complexity when a parent has multiple child support orders, but there is no consistent standard when a parent has a child with a support order *and* another child in their residence. SB 1011 aims to create this standardization.

Currently, Maryland Family Law allows courts to adjust child support obligations for intact second families. When determining a child support obligation for a child, Maryland Family Law allows courts to consider whether an obligor (i.e., the parent paying support) resides with and is financially responsible for their other children (§ 12-202(a)(2)(iii)). In these instances, courts *may* establish a lower obligation than the amount recommended by the guidelines; this is called a deviation. This deviation recognizes that the child on the obligor's formal child support order and the resident child both deserve financial support from the obligor. However, courts are not required to deviate for intact second families, and if they do, there is no consistency in the amount of the deviation across the state.

Some courts have tried to standardize the amount of financial support considered for children residing with the obligor. A [recent federally-mandated review of child support orders](#) between 2015 and 2018 in Maryland showed that some courts subtracted the value of a parent's contributions to a resident child from the obligor's income. Currently, Maryland Family Law does not permit courts to use income adjustments in this way, but SB 1011 would establish this mechanism.

Adjustments for intact families vary across the state. Based on the [2015 to 2018 Maryland Child Support Guidelines Case-level Review](#) of orders established through the public child support program, seven jurisdictions did not account for intact families when determining support obligations. Among orders with any deviations, 20% or less of those orders were adjusted for intact families in 15 jurisdictions, while 40% of orders with a deviation were adjusted for intact families in two jurisdictions.

SB 1011 provides courts with clear guidance on how to account for intact families when determining child support obligations. A favorable report for SB 1011 will help ensure parents with multiple partners receive more consistent and equitable child support orders that account for the needs of all their children. **I respectfully urge a favorable report for SB 1011.**

Submitted by Letitia Logan Passarella
Research Director
Family Welfare Research & Training Group
University of Maryland School of Social Work
llogan@ssw.umaryland.edu

The Family Welfare Research & Training Group of the University of Maryland School of Social Work (UMSSW) has been a research partner of the Maryland Department of Human Services (DHS) for more than 30 years. UMSSW completed the federally-mandated report referenced above: [2015 to 2018 Maryland Child Support Guidelines Case-level Review](#).

¹ King & Valerio. (2023). [Multiple Partner Fertility Research Brief: 2021](#). U.S. Census Bureau.

sb1011.pdf

Uploaded by: Linda Miller

Position: FAV

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq., Staff
410-260-1523
RE: Senate Bill 1011
Family Law – Child Support – Multifamily Adjustment
DATE: February 14, 2024
(2/29)
POSITION: Support

The Maryland Judiciary supports Senate Bill 1011. This bill would amend the way a court determining child support would establish parental income when a parent has other children in the household who are not subjected to a child support order. It would create a “multifamily adjustment.”

This bill establishes a standard and balanced formula for courts to use in calculating an allowance for a parent’s support of other children to whom the parent owes a duty. It maintains the court’s discretion to deviate (or not) from the child support guidelines based on what is in a child’s best interest.

cc. Hon. Nick Charles
Judicial Council
Legislative Committee
Kelley O’Connor

2024 02 28, SB 1011_FLSC_FAV.pdf

Uploaded by: Michelle Smith

Position: FAV

To: Members of the Senate Judicial Proceedings Committee

From: Family Law Section Council (FLSC)

Date: February 28, 2024

Subject: Senate Bill 1011
Family Law – Child Support – Multifamily Adjustment

Position: FAVORABLE

The Maryland State Bar Association (MSBA) FLSC **supports Senate Bill 1011**

This testimony is submitted on behalf of the Family Law Section Council (“FLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family laws and in reforms and improvements in such laws through legislation or otherwise. The FLSC 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.

Maryland, like most other states across the country, calculates child support orders based on an “income-shares” model, which considers parental income, the number of shared minor children, and several other factors such as alimony payments, health insurance costs, and extraordinary medical expenses when setting the rate of child support. See Maryland Family Law Code § 12-204. This model aims to ensure that children receive the same proportion of parental income as they would if the parents resided in the same household.

Unlike most other states,¹ however, Maryland’s child support laws do not adjust a parent’s income for the purpose of calculating child support based on whether they are supporting additional dependent children in their home. In other words, Maryland’s child support guidelines currently calculate child support as if the children at issue in the child support case are their parents’ *only* children; there is no consideration of the fact that either or both parents might also

¹ See Jane C. Venohr, *Child Support Guidelines and Guidelines Reviews: State Differences and Common Issues*, 47 FAM. L.Q. 327, 343 (2013) (“Most state guidelines provide an income deduction to recognize a parent’s financial support of his or her additional children.”).

be legally responsible for additional children in their households and how that factor impacts their disposable income.

SB 1011 seeks to update Maryland's child support laws to reflect the reality that a growing number of American families are comprised of parents who have had children with multiple partners. This bill amends the child support guidelines to create an income deduction for parents who have additional children in their homes besides the children at issue in a given child support case. By reducing a parent's available income based on the number of additional children for whom the parent is responsible, SB 1011 recognizes the fact that modern American families often consist of parents who are juggling financial responsibilities to multiple children, and it ensures that no single child gets shortchanged.

This income deduction for additional dependent children would apply *equally* to custodial as well as non-custodial parents, thus fostering a sense of fairness and equity in cases that are, by nature, emotionally charged and highly contested. Child support offers children an important source of financial stability and consistency, and SB 1011 will ensure that it is calculated fairly and accurately, with full consideration of each parent's financial realities.

For the reason(s) stated above, the MSBA FLSC **supports Senate Bill 1011 and urges a favorable committee report.**

Should you have any questions, please contact

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Rockville, MD 20850

SB1011 Written Testimony

Uploaded by: Rachel Sledge Government Affairs

Position: FWA

February 29, 2024

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
Miller Senate Office Building
Annapolis, Maryland 21401

**RE: TESTIMONY ON SB1011 - FAMILY LAW - CHILD SUPPORT - MULTIFAMILY
ADJUSTMENT - POSITION: FAVORABLE WITH AMENDMENTS**

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide favorable testimony for Senate Bill 1011 (SB1011). With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by helping with economic assistance, preventative and supportive services, and protecting children and adults. The Child Support Administration (CSA) within DHS implements the child support program which is affected by SB1011.

Senate Bill 1045 is the result of research and input from the Maryland Child Support Guidelines Advisory Committee, coordinated and chaired by DHS. The legislation revises the calculation of a child support obligation to include considering children living in a household who are not subject to a current child support action, but for whom the noncustodial parent still owes a legal duty of support. In addition, SB1011 allows courts the discretion to deviate from the guidelines for any financial consideration that the court finds is in the best interests of the child.

Frequently one or both parents owe a duty of support to other children living in the home who are not subject to the current child support action. Currently, Maryland law only authorizes a court to consider the presence of other children as a "possible ground" for deviating from the child support guidelines. The proposed legislation amends the definition of "adjusted actual income" in Family Law Article § 12-201(c) to establish an allowance for each additional child living in a parent's home to whom the parent owes a legal duty of support, but who are not subject to the support order.

The allowance is calculated by applying the child support guidelines in Family Law § 12-204, using the income of the parent entitled to the deduction, for each additional child in the parent's home. The allowance is multiplied by 75 percent and is deducted from the noncustodial parent's actual income before the court determines the amount of the child support order. The 75 percent multiplier produces an even ratio, or equal treatment between the child or children subject to the order and the other children living in the household who are not subject to the order.



Passing SB1011 would promote more equitable child support orders that do not negatively impact children living in the obligor's household.

We recommend amendment language to align the bill with the corresponding cross-file, House Bill 1045. On page 3, lines 16-17 we recommend the following:

(III) AN ALLOWANCE FOR SUPPORT FOR EACH CHILD LIVING IN A PARENT'S HOME TO WHOM THE PARENT OWES A LEGAL DUTY OF SUPPORT IF THE CHILD IS CONSIDERED TO BE ~~LIVING IN THE PARENT'S HOME FOR~~ **SPENDING** MORE THAN 92 ~~DAYS OF THE~~ **OVERNIGHTS IN THE PARENT'S HOME IN A YEAR** AND NOT SUBJECT TO THE SUPPORT ORDER.

We appreciate the opportunity to offer supportive testimony on SB1011 to the Committee for consideration during your deliberations. We look forward to the decision of the Committee and welcome continued collaboration on SB1011.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,



Rafael López
Secretary

UNF SB1011 (2024) JPR vmcavoy.pdf

Uploaded by: vince mcavoy

Position: UNF

UNFAVORABLE on SB1011 (cross-file is HB1045)

vince mcavoy baltimore maryland

Dear Senators of JPR,

As has been the case for each year this bill has been brought, I request you find this unfavorable once again. Though always an unwelcome surprise to me when mediocre bills are regurgitated year after year at a cost of over \$1,500 per bill, I ask JPR members once again to reflect if this \$1,500 was well-spent or if such a bill is worthy of making your days longer (because no one has longer days than JPR's senators).

So rather than rehash what is already a closed issue, please see my email follow up below as testimony to SB1011 and the House cross-file, HB1045.

Here is my verbal testimony in House Judiciary from this year against HB1045

<https://mgahouse.maryland.gov/mga/Play/f50d094b024c4ba6a4dece1061b4c7241d?playFrom=4683807&popout=true>

I urge an UNFavorable for this needless effort of SB1011.

humbly offered

~vince

----- Forwarded Message -----

From: Vince McAvoy <vince.mcavoy@yahoo.com>

To: Luke Delegate Clippinger <luke.clippinger@house.state.md.us>; Sandy Delegate Bartlett <sandy.bartlett@house.state.md.us>; Jon Delegate Cardin <jon.cardin@house.state.md.us>; Delegate Lauren Arikan <lauren.arikan@house.state.md.us>; JR. FRANK M. CONAWAY <frank.conaway@house.state.md.us>; elizabeth.embry@house.state.md.us <elizabeth.embry@house.state.md.us>; Robin Delegate Grammer <robin.grammer@house.state.md.us>; House State Maryland <rachel.munoz@house.state.md.us>; cheryl.pasteur@house.state.md.us <cheryl.pasteur@house.state.md.us>; Sheree Delegate Sample-Hughes <sheree.sample.hughes@house.state.md.us>; Stuart Delegate Schmidt <stuart.schmidt@house.state.md.us>; karen.simpson@house.state.md.us <karen.simpson@house.state.md.us>; gary.simmons@house.state.md.us <gary.simmons@house.state.md.us>; Chris Delegate Tomlinson <chris.tomlinson@house.state.md.us>; Karen Delegate Toles <karen.toles@house.state.md.us>; William Delegate Valentine <william.valentine@house.state.md.us>; kent.roberson@house.state.md.us <kent.roberson@house.state.md.us>

Sent: Thursday, February 22, 2024 at 07:47:40 PM EST

Subject: Vote NO on McComas' HB0848 & NO on Crutchfield's HB1045

Hello Delegates~

As I mentioned this afternoon, please find information related to bills we heard today.

HB0848 from Del. McComas

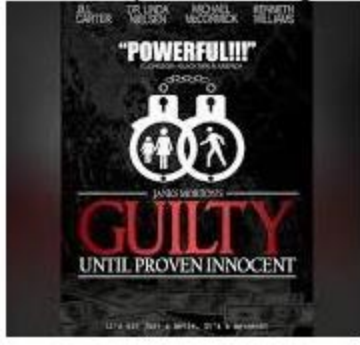
This bill is a lie, a lie which we can say has been exposed as such as of this date.

It is a wrongful interpretation of what parents asked for during the Child Support Determination Town Halls (from HB687(2013) over ten years ago)"

Finally, proponents argue that in cases in which both parents are fit to provide for the children, the judicial process of determining which parent should receive sole custody is time-consuming, difficult, and uncertain. Additionally, many proponents, particularly fathers, perceive an inherent bias by judges in favor of the mother in custody determinations. They assert that joint custody would level the playing field and provide more certainty to litigants.

This bias is not simply perceptual. What does a father need to know about law once he sees that law is being used against him?

This is why Sen. Carter put out this movie with Janks Morton



This bias is not simply perceptual. Domestic Violence crowds and family law attorneys paint the mountain as being unsurmountable for *pro se* parents.

This <https://dls.maryland.gov/pubs/prod/CourtCrimCivil/Child-Custody.pdf> would be a fine primer for parents who are representing themselves *pro se*.

This lawyer's online notes <https://www.dmartinlaw.com/blog/child-custody-in-maryland/>

could also help parents understand the issues which judges refer to in court proceedings. I have also written documents which could have been adopted by Maryland's Child Support Office in Baltimore City. **It's almost like the lawyers are protecting their legal knowledge to maintain profit for themselves, isn't it?**

However, the proponents of this bill don't mean to actually help fair custody hearings for fathers; they mean to continue strife which they ravenously capitalize on while offering cookie-cutter solutions (such as you heard Guistwite, my former boss at Child Support, reference in his example amid HB1045...."let's say the father gets every other weekend...").

HB0848 and its many related bills have had dozens of chances in both chambers. Let's stop acknowledging this flawed bill by Del. McComas.

SB0663

Senator Carter's testimony from last week on the **50/50 Rebuttable Presumption of Joint Custody** bill, where an aged family law attorney refuses to directly answer Sen. Carter's questioning.

<https://mgahouse.maryland.gov/mga/Play/cf6171435a894a51b9e9e579f4bca06a1d?playFrom=20935588&popout=true>

HB1045

Delegates, don't waste your time with this perennial dog-of-a-bill initially offered from Dumais.

Please listen to Senator Bobby Zirkin's explanation of the inherent unfairness of the Multi-Family Bill (Child Support), queued up here::

<https://mgahouse.maryland.gov/mga/play/5d62d957be2547d1bec4b950307ce02d1d?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=11800000>

Please note Del. Dumais stumbling over explaining a dummy return to other lawyers on JPR (including Sen. Brian Frosh, who conceded he was completely lost on the Multi-Family bill).

Thanks for your attention.

humbly

~vince