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DEPUTY MAJORITY WHIP

Judiciary Committee

Subcommittees

Chair, Family and Juvenile Law

Public Safety



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 22, 2024

The House Judiciary Committee
The Honorable Luke Clippinger
6 Bladen Street,
House Office Building, Room 101
Annapolis, MD 21401

Re: House Bill 1045: Family Law-Child Support-Multifamily Adjustment

Dear Chairman Clippinger, Vice-Chair Bartlett and Committee Colleagues:

HB 1045 is the product of research and input from the Maryland Child Support Guidelines Advisory Committee, coordinated and chaired by the Maryland Department of Human Services.

This legislation will create a deduction for child support determinations. Specifically, a deduction may be given when determining a parent's income for child support purposes based on situations when a parent has an additional child(ren) who live(s) with the parent, and to whom that parent has a duty of support. This additional child(ren) may be born before or after the child for whom support is being determined i.e., from a prior or a subsequent marriage/ relationship. What is key is not the order of birth of the child or whether there is a preexisting child support obligation (which is currently the case) but that the child lives with the parent and as such, the parent is providing care and financial support for that child. In other words, this legislation shifts away from the notion that parents with multiple households should solely bear the responsibility of augmenting income to compensate for their situation. Instead, HB 1045 emphasizes acknowledging the existence of children in both households, understanding the constraints of income due to the support of extra dependents, and reducing the impact related to the sequence of birth order.

Currently, child support guidelines are calculated using the parties "adjusted actual income", which is their gross monthly income, minus alimony and/or child support that a court has previously ordered the party to pay. At present, financial support provided by parents for children living in their homes is not considered if a court has not ordered the parent to provide

such support. HB1045 will permit courts when establishing or modifying child support to account for the financial support parties provide to children living in their homes, to whom the parents owe a duty of support, but for whom there is no preexisting child support order. The legislation would add a new deduction from each parent's "actual income" for a "hypothetical support" amount deemed to be provided by that parent for the child(ren) living in his or her home. Both the payor and payee of the child support order would be entitled to this deduction from their actual income.

To calculate the hypothetical support amount, a court must determine the basic support obligation based solely on that parent's income for the number of children living in the parent's home, when multiplying the basic support obligation by 75%. The resulting figure (75 percent of what they would be required to pay if their child support obligations were calculated under the current guidelines) will be subtracted from the parent's actual income to produce the "adjusted actual income" amount. Under this bill, the courts would be permitted to exercise discretion to decline to apply the deduction if the deduction would be "unjust or inappropriate" in any given case.

I respectfully request a favorable report for House Bill 1045.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Crutchfield".

Delegate Charlotte Crutchfield