



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

House Bill 01045

Family Law – Child Support – Multifamily Adjustment

In the House Judiciary Committee

Hearing on February 22, 2024

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on HB 01045 at the request of its sponsor, Delegate Charlotte Crutchfield.

MLA asks that the Committee report **favorably** on House Bill 01045, 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.

HB 01045 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 additional children at home for whom they are also responsible. HB01045 aims to remedy the law’s

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).

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.

HB 01045 is grounded in fairness and will lead to the establishment of more realistic and accurate child support orders.

HB 01045 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, HB 01045 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 HB 01045 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, HB01045 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 HB 01045 will improve the fairness and efficacy of Maryland's child support program by bringing our state into line with the majority of others around 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 HB 01045 and to support its ultimate passage. If you have any questions, please contact Ameer Vora, (443) 604-6186, avora@mdlaborg.

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.*