

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

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
AND PUBLIC AFFAIRS  
P: (410) 260-1560

SUZANNE PELZ, ESQ.  
SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
P: (410)260-1523

## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 548  
Family Law – Child Support – Determination of Custody and  
Agreements Between Parents  
**DATE:** February 11, 2026  
(2/18)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 548.

Proposed § 12-202(a)(1)(ii), would require courts to make a custody determination prior to the establishment of child support if requested by a parent or if there is no prior judicial determination of custody. There are many cases in which parties do not need a custody order but do need child support. A significant number of those cases are handled by the Child Support Administration, which is precluded by federal law from filing or representing parties in custody actions. This would leave parties to find their own counsel, or to represent themselves in the custody action, even when a custody order has not been sought.

The Judiciary supports legislation that empowers and encourages parties to reach their own agreements about the care and support of their children. It is, however, important for courts to ensure those agreements are not the product of coercion or prioritize the interests of parents over the rights and interests of their children. Under current law, courts *voir dire* the parties about their agreements and ensure the resulting child support order serves the best interests of each child. This allows courts to consider the unique

facts and circumstances of each family and each child, including what the parents believe is in their child's best interest, when evaluating agreements.

Proposed § 12-202(a)(2)(iv) would establish a "conclusive presumption" that applying the child support guidelines to an agreement between the parents that departs from the guidelines would be "unjust or inappropriate" if the parents "mutually assert that the agreement is in the best interest of the child." It is unclear to the Judiciary what a "conclusive presumption" is, but it appears to preclude the court's examination of an agreement between the parties. The Judiciary is concerned that this provision will remove the court's ability to ensure agreements that deviate from the guidelines are entered into knowingly and voluntarily by parties and do not impede on their child's right to support. This provision also creates a statutory conflict with § 12-202(a)(2)(i) (page 2, lines 5-7), which establishes a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines is the correct amount of child support to be awarded.

The Judiciary suggests that a "rebuttable" rather than a "conclusive" presumption would encourage parents to enter agreements while not limiting the ability of the courts to review those agreements and enter child support orders that are tailored to the needs of each child.

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