



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

February 18, 2026

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

RE: TESTIMONY ON SB0548 - FAMILY LAW - CHILD SUPPORT - DETERMINATION OF CUSTODY AND AGREEMENTS BETWEEN PARENTS - POSITION: INFORMATION

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and the opportunity to provide information on Senate Bill 548 (SB 548).

This bill would require courts to determine custody before awarding child support if (1) requested by the parent during a child support proceeding, and (2) there has been no prior judicial determination of custody. Additionally, the bill would create a “conclusive presumption” that applying the Maryland Child Support Guidelines (Guidelines) to an agreement between parents would be unjust or inappropriate in cases if the parents mutually assert that the agreement, rather than the Guidelines, is in the child’s best interest.

The premise of SB 548 contradicts the well-established legal principle that child support is a right held by a minor child, not the parent to whom the child support is paid, and therefore cannot be waived by the parents. The child’s right to child support was recently upheld by the Maryland Supreme Court 2025 decision in the *Matter of Marriage of Houser*, 490 Md. 592 (2025).

SB 548 would allow parents to agree to deviate from the Guidelines and establish a “conclusive presumption” that applying the Guidelines in these circumstances would be unjust or inappropriate. “Conclusive presumption” is a legal term that forces a court to accept a specific fact as true, allowing no contradictory evidence or argument to the contrary. SB 548 conflicts with federal law, which requires that states “establish guidelines for child support award amounts within the State” that are *rebuttably presumed* to result in the correct amount of child support. To rebut this presumption, there must be a written or specific finding on the record that the

application of the Guidelines would be unjust or inappropriate in a particular case.¹ SB 548 would put Maryland in direct conflict with this provision of federal law.

SB 548 could increase the potential for coercion between parents when entering into a parental agreement for support. Power imbalances between parents, including circumstances where one parent fears violence by the other, make it difficult to assess whether a parental agreement for support that deviates from the Guidelines was freely entered into. Federal materials state that nearly 40% of custodial parents experienced domestic violence with the other parent in their case.²

Additionally, SB 548 may increase family reliance on public assistance; shifting the burden of financially supporting a minor child from the parents to the state. If the parents agree to a support amount that is not sufficient to care for the child, the custodial parent may need to apply for Temporary Cash Assistance, Supplemental Nutrition Assistance Program benefits, or other types of assistance.

SB 548 would delay the establishment of child support if a parent asks for custody to be determined during a child support proceeding and there has been no prior judicial determination of custody. The average custody case typically takes between six months and one year to resolve. During this period, the child(ren) would be without the support of both of their parents, and a custodial parent may apply for public assistance. Once custody is determined and the child support order is established, Maryland law requires that the child support award is retroactive to the filing date. Currently, paying parents typically start their order with retroactive arrears of three to six months. SB 548 could lead to twice the amount of retroactive arrears for the parent paying support, if the case requires a custody determination.

We appreciate the opportunity to provide information to the Committee for consideration during your deliberations. If you require additional information, please contact Justin Hayes, Acting Director of Government Affairs, at justin.hayes1@maryland.gov.

In service,



Rafael López
Secretary

¹ 42 U.S.C. § 667(a); 45 CFR 302.56(g)

² Office of Child Support Enforcement, [Policies to Promote Safety and Economic Stability for Survivors of Domestic Violence in the Child Support Program](#) (Jan. 2025).