

# HOUSE BILL 635

D4

1lr1539

---

By: **Delegate Dumais**

Introduced and read first time: February 9, 2011

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Extraordinary Medical Expenses**

3 FOR the purpose of altering the definition of “extraordinary medical expenses” under  
4 the child support guidelines; providing for the application of this Act; and  
5 generally relating to child support.

6 BY repealing and reenacting, without amendments,  
7 Article – Family Law  
8 Section 12–201(a) and 12–204(h), (l), and (m)  
9 Annotated Code of Maryland  
10 (2006 Replacement Volume and 2010 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Family Law  
13 Section 12–201(g)  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 12–201.

20 (a) In this subtitle the following words have the meanings indicated.

21 (g) (1) “Extraordinary medical expenses” means uninsured [expenses over  
22 \$100 for a single illness or condition] **COSTS FOR MEDICAL TREATMENT IN EXCESS**  
23 **OF \$250 IN ANY CALENDAR YEAR.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) “Extraordinary medical expenses” includes [uninsured, reasonable,  
2 and necessary costs for orthodontia, dental treatment, asthma treatment, physical  
3 therapy, treatment for any chronic health problem, and professional counseling or  
4 psychiatric therapy for diagnosed mental disorders] **MEDICALLY NECESSARY**  
5 **MEDICAL, DENTAL, AND VISION CARE AS DEFINED BY INTERNAL REVENUE**  
6 **SERVICE PUBLICATION 502.**

7 12–204.

8           (h) (1) Any actual cost of providing health insurance coverage for a child  
9 for whom the parents are jointly and severally responsible shall be added to the basic  
10 child support obligation and shall be divided by the parents in proportion to their  
11 adjusted actual incomes.

12           (2) Any extraordinary medical expenses incurred on behalf of a child  
13 shall be added to the basic child support obligation and shall be divided between the  
14 parents in proportion to their adjusted actual incomes.

15           (l) (1) Except in cases of shared physical custody, each parent’s child  
16 support obligation shall be determined by adding each parent’s respective share of the  
17 basic child support obligation, work–related child care expenses, health insurance  
18 expenses, extraordinary medical expenses, and additional expenses under subsection  
19 (i) of this section.

20           (2) The obligee shall be presumed to spend that parent’s total child  
21 support obligation directly on the child or children.

22           (3) The obligor shall owe that parent’s total child support obligation as  
23 child support to the obligee minus any ordered payments included in the calculations  
24 made directly by the obligor on behalf of the child or children for work–related child  
25 care expenses, health insurance expenses, extraordinary medical expenses, or  
26 additional expenses under subsection (i) of this section.

27           (m) (1) In cases of shared physical custody, the adjusted basic child  
28 support obligation shall first be divided between the parents in proportion to their  
29 respective adjusted actual incomes.

30           (2) Each parent’s share of the adjusted basic child support obligation  
31 shall then be multiplied by the percentage of time the child or children spend with the  
32 other parent to determine the theoretical basic child support obligation owed to the  
33 other parent.

34           (3) Subject to the provisions of paragraphs (4) and (5) of this  
35 subsection, the parent owing the greater amount under paragraph (2) of this  
36 subsection shall owe the difference in the 2 amounts as child support.

1           (4) In addition to the amount of the child support owed under  
2 paragraph (3) of this subsection, if either parent incurs child care expenses under  
3 subsection (g) of this section, health insurance expenses under subsection (h)(1) of this  
4 section, extraordinary medical expenses under subsection (h)(2) of this section, or  
5 additional expenses under subsection (i) of this section, the expense shall be divided  
6 between the parents in proportion to their respective adjusted actual incomes. The  
7 parent not incurring the expense shall pay that parent's proportionate share to:

8                           (i) the parent making direct payments to the provider of the  
9 service; or

10                           (ii) the provider directly, if a court order requires direct  
11 payments to the provider.

12           (5) The amount owed under paragraph (3) of this subsection may not  
13 exceed the amount that would be owed under subsection (l) of this section.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only  
15 to extraordinary medical expenses incurred on or after the effective date of this Act.

16           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2011.