

HOUSE BILL 741

D4

9lr0878

By: **Delegate Dumais**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Guidelines – Treatment of Alimony Payments**

3 FOR the purpose of establishing that, under the child support guidelines, if the alimony or
4 maintenance actually paid by a payor is not deductible by the payor for federal
5 income tax purposes, the amount of alimony or maintenance subtracted from the
6 income of the payor under a certain provision of law is the amount of alimony or
7 maintenance actually paid by the payor, multiplied by a certain factor; establishing
8 that, under the child support guidelines, if the alimony or maintenance actually
9 received by a recipient is not taxable income to the recipient for federal income tax
10 purposes, the amount of alimony or maintenance considered actual income for the
11 recipient under a certain provision of law is the amount of alimony or maintenance
12 actually received by the recipient, multiplied by a certain factor; providing for the
13 application and construction of this Act; and generally relating to the calculation of
14 alimony under the child support guidelines.

15 BY repealing and reenacting, with amendments,
16 Article – Family Law
17 Section 12–204(a)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2018 Supplement)

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

22 **Article – Family Law**

23 12–204.

24 (a) (1) The basic child support obligation shall be determined in accordance
25 with the schedule of basic child support obligations in subsection (e) of this section. The

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 basic child support obligation shall be divided between the parents in proportion to their
2 adjusted actual incomes.

3 (2) (i) If one or both parents have made a request for alimony or
4 maintenance in the proceeding in which a child support award is sought, the court shall
5 decide the issue and amount of alimony or maintenance before determining the child
6 support obligation under these guidelines.

7 (ii) **[If] SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (III)**
8 **OF THIS PARAGRAPH, IF** the court awards alimony or maintenance, the amount of
9 alimony or maintenance awarded shall be considered actual income for the recipient of the
10 alimony or maintenance and shall be subtracted from the income of the payor of the alimony
11 or maintenance under § 12–201(c)(2) of this subtitle before the court determines the amount
12 of a child support award.

13 **(III) 1. IF THE ALIMONY OR MAINTENANCE ACTUALLY PAID**
14 **BY THE PAYOR IS NOT DEDUCTIBLE BY THE PAYOR FOR FEDERAL INCOME TAX**
15 **PURPOSES, THE AMOUNT OF ALIMONY OR MAINTENANCE SUBTRACTED FROM THE**
16 **INCOME OF THE PAYOR UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS THE**
17 **AMOUNT OF ALIMONY OR MAINTENANCE ACTUALLY PAID BY THE PAYOR,**
18 **MULTIPLIED BY 1.25.**

19 **2. IF THE ALIMONY OR MAINTENANCE ACTUALLY**
20 **RECEIVED BY THE RECIPIENT IS NOT TAXABLE INCOME TO THE RECIPIENT FOR**
21 **FEDERAL INCOME TAX PURPOSES, THE AMOUNT OF ALIMONY OR MAINTENANCE**
22 **CONSIDERED ACTUAL INCOME FOR THE RECIPIENT UNDER SUBPARAGRAPH (II) OF**
23 **THIS PARAGRAPH IS THE AMOUNT OF ALIMONY OR MAINTENANCE ACTUALLY**
24 **RECEIVED BY THE RECIPIENT, MULTIPLIED BY 1.25.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to
26 cases filed on or after the effective date of this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed
28 to constitute a material change in circumstances for purposes of modifying a child support
29 order issued before the effective date of this Act.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2019.