

SENATE BILL 660

D4

5lr2702

By: **Senator Ready**

Introduced and read first time: January 25, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Support Guidelines – Agreement Between Parents**

3 FOR the purpose of establishing a presumption that the application of the child support
4 guidelines would be unjust or inappropriate if there is a certain agreement between
5 the parents; and generally relating to the child support guidelines.

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 12–202(a)
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2024 Supplement)

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

13 **Article – Family Law**

14 12–202.

15 (a) (1) Subject to the provisions of paragraph (2) of this subsection and
16 subsection (b) of this section, in any proceeding to establish or modify child support,
17 whether pendente lite or permanent, the court shall use the child support guidelines set
18 forth in this subtitle.

19 (2) (i) There is a rebuttable presumption that the amount of child
20 support which would result from the application of the child support guidelines set forth in
21 this subtitle is the correct amount of child support to be awarded.

22 (ii) The presumption may be rebutted by evidence that the
23 application of the guidelines would be unjust or inappropriate in a particular case.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) In determining whether the application of the guidelines would
2 be unjust or inappropriate in a particular case, the court may consider:

3 1. the terms of any existing separation or property
4 settlement agreement or court order, including any provisions for payment of mortgages or
5 marital debts, payment of college education expenses, the terms of any use and possession
6 order or right to occupy the family home under an agreement, any direct payments made
7 for the benefit of the children required by agreement or order, or any other financial
8 considerations set out in an existing separation or property settlement agreement or court
9 order;

10 2. the presence in the household of either parent of other
11 children to whom that parent owes a duty of support and the expenses for whom that parent
12 is directly contributing; and

13 3. whether an obligor's monthly child support obligation
14 would leave the obligor with a monthly actual income below 110% of the 2019 federal
15 poverty level for an individual.

16 (iv) The presumption may not be rebutted solely on the basis of
17 evidence of the presence in the household of either parent of other children to whom that
18 parent owes a duty of support and the expenses for whom that parent is directly
19 contributing.

20 **(v) THERE IS A PRESUMPTION THAT THE APPLICATION OF THE**
21 **GUIDELINES TO AN AGREEMENT BETWEEN THE PARENTS THAT DEPARTS FROM THE**
22 **GUIDELINES WOULD BE UNJUST OR INAPPROPRIATE IF THE PARENTS MUTUALLY**
23 **ASSERT THAT THE AGREEMENT IS IN THE BEST INTEREST OF THE CHILD.**

24 ~~[(v)]~~ **(vi)** 1. If the court determines that the application of the
25 guidelines would be unjust or inappropriate in a particular case, the court shall make a
26 written finding or specific finding on the record stating the reasons for departing from the
27 guidelines.

28 2. The court's finding shall state:

29 A. the amount of child support that would have been required
30 under the guidelines;

31 B. how the order varies from the guidelines;

32 C. how the finding serves the best interests of the child; and

33 D. in cases in which items of value are conveyed instead of a
34 portion of the support presumed under the guidelines, the estimated value of the items
35 conveyed.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2025.