

the Department of Human Resources; AND

(4) ADOPT REGULATIONS ESTABLISHING PROCEDURES FOR THE PERIODIC REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS BEING ENFORCED BY A SUPPORT ENFORCEMENT AGENCY.

12-202.

(a) (1) [In] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, IN any proceeding to establish or modify child support, whether pendente lite or permanent, the court [may] SHALL use the child support guidelines set forth in this subtitle.

(2) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE AMOUNT OF CHILD SUPPORT WHICH WOULD RESULT FROM THE APPLICATION OF THE CHILD SUPPORT GUIDELINES SET FORTH IN THIS SUBTITLE IS THE CORRECT AMOUNT OF CHILD SUPPORT TO BE AWARDED.

(II) THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT THE APPLICATION OF THE GUIDELINES WOULD BE UNJUST OR INAPPROPRIATE IN A PARTICULAR CASE.

(III) IN DETERMINING WHETHER THE APPLICATION OF THE GUIDELINES WOULD BE UNJUST OR INAPPROPRIATE IN A PARTICULAR CASE, THE COURT MAY CONSIDER:

1. THE TERMS OF ANY EXISTING SEPARATION OR PROPERTY SETTLEMENT AGREEMENT OR COURT ORDER, INCLUDING ANY PROVISIONS FOR PAYMENT OF MORTGAGES OR MARITAL DEBTS, PAYMENT OF COLLEGE EDUCATION EXPENSES, THE TERMS OF ANY USE AND POSSESSION ORDER OR RIGHT TO OCCUPY TO THE FAMILY HOME UNDER AN AGREEMENT, ANY DIRECT PAYMENTS MADE FOR THE BENEFIT OF THE CHILDREN REQUIRED BY AGREEMENT OR ORDER, OR ANY OTHER FINANCIAL CONSIDERATIONS SET OUT IN AN EXISTING SEPARATION OR PROPERTY SETTLEMENT AGREEMENT OR COURT ORDER; AND

2. THE PRESENCE IN THE HOUSEHOLD OF EITHER PARENT OF OTHER CHILDREN TO WHOM THAT PARENT OWES A DUTY OF SUPPORT AND THE EXPENSES FOR WHOM THAT PARENT IS DIRECTLY CONTRIBUTING.

(IV) 1. IF THE COURT DETERMINES THAT THE APPLICATION OF THE GUIDELINES WOULD BE UNJUST OR INAPPROPRIATE IN A PARTICULAR CASE, THE COURT SHALL MAKE A WRITTEN FINDING OR SPECIFIC FINDING ON THE RECORD STATING THE REASONS FOR DEPARTING FROM THE GUIDELINES.

2. THE COURT'S FINDING SHALL STATE: