

CHAPTER 121

(House Bill 396)

AN ACT concerning

Family Law - Child Support Guidelines

FOR the purpose of establishing that the presumption that the amount of child support which would result from the application of the child support guidelines is the correct amount of child support to be awarded may not be rebutted solely on the basis of certain evidence; providing for the application of this Act; establishing that this Act may not be considered to be a material change in circumstances for the purpose of modifying a child support order issued before the effective date of this Act; and generally relating to child support.

BY repealing and reenacting, with amendments,

Article - Family Law

Section 12-202 (a)

Annotated Code of Maryland

(1999 Replacement Volume and 1999 Supplement)

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

Article - Family Law

12-202.

(a) (1) 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 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