

REPORT ON CHILD SUPPORT GUIDELINES

MARYLAND DEPARTMENT OF HUMAN SERVICES

Completed pursuant to Family Law § 12-202(c)

January 1, 2021

REPORT REQUIREMENT

This report is hereby submitted in response to the following reporting requirement found under Family Law § 12-202:

(c) On or before January 1, 1993, and at least every 4 years after that date, the Child Support Administration of the Department of Human Services shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2-1257 of the State Government Article.

Source: Family Law § 12-202

BACKGROUND

The Department of Human Services is required to conduct a quadrennial review of Maryland's Child Support Guidelines in accordance with Maryland law and federal regulation.

The purpose of the quadrennial review is to comply with federal regulation requiring each state to “analyze case data, gathered through sampling or other methods, on the application of, and deviations from, the guidelines....to ensure that deviations from the guidelines are limited.” (Title 45 of the Code of Federal Regulations (45 CFR) §302.56(e)). This review also complies with Maryland Family Law Article §12-202(c) and Maryland State Government Article §2-1257, which requires the Department of Human Services' Child Support Administration (CSA) to submit a report on the review's findings to the Maryland General Assembly.

During the 2020 Legislative Session, the Maryland General Assembly passed comprehensive legislative reform addressing the child support guidelines (Senate Bill 847/House Bill 946). The legislative provisions were submitted by the Maryland Child Support Guidelines Advisory Committee led by the Department of Human Services and sponsored by Delegates Dumais, Malone, Cox and Lewis, and Senator Sydnor. These provisions revise the schedule of support obligations based on the 2016 quadrennial review and federal requirements of the 2017 Flexibility, Efficiency, and Modernization in Child Support Enforcement (FEM) final rule. The new legislation also accomplishes the following:

- Promotes accuracy and fairness by creating a new payment schedule with specific monthly support obligations for low-income obligors when the combined parental income is below \$1,250.00 a month;
- Fights poverty and improves the collection of child support by adding a definition for the “Self-Support Reserve” (SSR), which is an adjustment to a low-income obligor's monthly support obligation ensuring that, after the payment of taxes and child support, he or she has enough money for food, housing and transportation;

- Ensures the SSR is updated based on current economic data and is transparent within the guidelines to comply with requirements of the federal FEM final rule;
- Creates a more accurate statutory definition for the term “voluntarily impoverished” clarifying that a parent can only be categorized as such if he or she has made a “free and conscious choice” – not compelled by economic factors beyond his or her control – to render him or herself without adequate resources;
- Complies with the federal FEM final rule by amending the definition of “potential income” found in Family Law §12-201 and setting out factors a court must consider when calculating potential income for a noncustodial parent;
- Expands the child support guidelines to provide presumptively-correct child support amounts in cases with combined monthly incomes up to \$30,000. The current guidelines only extend to combined monthly incomes of \$15,000; and,
- Identifies specific circumstances where a court may decline to require a noncustodial parent (NCP) to pay child support; and provide for a modification of child support if those circumstances change.

REVIEW AND REVISION OF GUIDELINES

Under the regulations set forth in 45 CFR 302.56(e), the State of Maryland is obligated to review, and revise, if appropriate, the child support guidelines every four years. Due to operational disruptions caused by the COVID-19 pandemic, the Federal Office of Child Support Enforcement granted a request from the Department of Human Services under the Stafford Act to extend the date of this review by two years to December 2022. This extension under federal law will allow Maryland time to implement the major legislative changes to the guidelines passed during the 2020 Legislative Session and the ability to measure their impact in the next review.