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MARYLAND CHILD SUPPORT GUIDELINES: 2011 - 2014 CASE-LEVEL REVIEW

LAUREN A. HALL, MA
Research Specialist

NATALIE DEMYAN, BS
Research Assistant

LETITIA LOGAN PASSARELLA, MPP
Research Director

PUBLIC POLICY RESEARCH



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For additional information about the report, please contact Letitia Logan Passarella (410.706.2479; llogan@ssw.umaryland.edu) at the School of Social Work.

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EXECUTIVE SUMMARY

Every four years, federal regulations require states to review child support guidelines that are used to determine financial support obligations. The review process is two-fold and each part serves a different purpose. The first part of the review is an economic analysis that assesses if the guidelines adequately reflect the costs of raising children. The second part is a case-level review that assesses if courts are equitably applying the guidelines and if deviations from those guidelines are limited and within the purview of the law. Both components of this process help states identify opportunities to improve policy and practice.

The University of Maryland School of Social Work, through an ongoing partnership with the Maryland Child Support Enforcement Administration (CSEA), is tasked with completing the case-level portion of the review to satisfy federal and state requirements. To assess how the guidelines are used in Maryland, we select a sample of child support orders that were established or modified within the four-year period, and with the help of 24 local jurisdictions, we collect hard copies of these orders. Information from the orders and accompanying guidelines worksheets are used to determine if courts issued support order amounts in accordance with Maryland's guidelines schedule, which provides recommended support obligations based on both parents' incomes.

For this current review, we assessed how the guidelines were applied in Maryland between 2011 and 2014 and whether those applications resulted in deviations. Additionally, we examined the reasons for those deviations as Maryland law requires the inclusion of specific information when

the guidelines are not used to establish orders. Mainly, the courts should include information on how this deviation is in the best interests of the child(ren).

The findings in this report are based on a random, stratified sample of 5,287 support orders that were newly established or modified between January 1, 2011 and December 31, 2014. Key findings from this quadrennial review are as follows:

Modifications of child support orders have become more common, while other support order characteristics remained stable.

- The percentage of modified orders increased 18.1 percentage points from 10.4% during the previous review period between 2007 and 2010 to 28.5% in this current review.
- Similar to the previous review, the typical support order was calculated with a sole custody worksheet (95.7%). In addition, fathers (92.9%) were more likely to be noncustodial parents, and mothers (92.1%) were more likely to be custodial parents.

The majority of parents had monthly incomes below the Maryland living wage.

- Based on the worksheets used to calculate child support orders, the majority of both noncustodial (62.6%) and custodial (66.9%) parents had documented incomes of less than \$2,260 per month, which represents the living wage in Maryland for one adult.
- Noncustodial parents had a monthly median income of \$1,733, and custodial parents had a median income of \$1,837.

Imputing income to the equivalent of working full-time and earning the minimum wage was a method used to determine potential income for parents.

- We estimate that approximately one in four (24.6%) noncustodial parents and one in six (18.3%) custodial parents had their monthly incomes imputed to \$1,257, rather than using parents' actual earnings. This method is often used when parents are unemployed.

The typical child support order amount was \$357 per month.

- The median support order amount increased from the previous review period (\$329 to \$357), along with the average amount (\$400 to \$446). This likely reflects the update to the guidelines schedule in 2010.

The majority (70.7%) of orders followed Maryland's guidelines.

- Only one in four (22.9%) orders deviated from the amount recommended by the guidelines.
- Most (19.9%) deviations resulted in support order amounts that were below the recommended amount. Only 2.9% were above the recommended amount.
- Among the 24 jurisdictions, deviation rates ranged from a low of 4.9% to a high of 39.9%. Nine jurisdictions had a deviation rate higher than the state.

One in five (20.1%) deviated orders listed a reason that was in the best interest of the child(ren).

- Some courts deviated from the guidelines because the noncustodial parent provided in-kind (noncash) support. This deviation reason was cited in 10.3% of deviated orders. In-kind support can include diapers, formula, clothes, and other necessities.
- Courts also deviated (9.8%) to encourage payments in cases in which the noncustodial parent was unemployed or underemployed.

One in ten (9.9%) deviated orders were due to miscalculations of the guidelines.

- Though Maryland law directs courts to round the combined adjusted incomes of parents up to the next highest guidelines bracket, some courts rounded down, resulting in deviations.
- There were instances in which courts used an outdated worksheet or the outdated guidelines schedule to calculate support order amounts, which resulted in miscalculations.
- Some courts subtracted items such as health care and child care from the support order amount, resulting in a deviation.

Nearly two in five (35.6%) deviated orders had no reason documented for the deviation.

- Since the last review period, the percentage of deviated orders with no reason listed doubled (17.5% to 35.6%).

A small percentage (6.4%) of support orders were based upon incomes that were not within the range of the guidelines schedule.

- Maryland's guidelines recommend specific child support order amounts for parents with monthly combined incomes between \$1,201 and \$15,000. If combined income is not within this range, courts have discretion in determining the order amount. Most (5.3%) discretionary orders were below the guidelines schedule.
- The median support order amount for parents with combined incomes below Maryland's guidelines (\$1,200 or less) was \$129 per month. Although it is recommended that courts issue order amounts between \$20 and \$150 per month for these cases, two in five were issued for amounts above \$150.

Overall, the findings throughout this case-level review show that most orders established or modified between 2011 and 2014 were based on Maryland's guidelines, consistent with previous reviews. This review did shed light, however, on some potential areas in which policy and practice could improve. In the final chapter of this report, we identify these areas of improvement and discuss their potential implications.

INTRODUCTION

During the 1980s, federal regulations were established that required each state to develop a set of guidelines for determining child support obligations in an equitable way (Child Support Enforcement Amendments of 1984; Family Support Act of 1988). Maryland's guidelines were developed shortly thereafter based on relevant economic estimates of the costs of raising children and were updated in 2010 to reflect more recent economic data. These guidelines vary by parents' combined income and by the number of children they share because Maryland, like most other states, utilizes an Income Shares model of support calculation. This model is premised on the assumption that in an intact household, the collective income of both parents is spent on the children to provide basic needs, and this same principle should therefore be applied in the determination of the child support obligation.

Federal regulations also included language that requires states to review their numeric guidelines every four years. The purpose of quadrennial reviews is to ensure that support obligations determined by using states' guidelines are adequate for raising children. Specifically, states must make certain guidelines reflect the costs of raising children and that support order amounts that deviate from the guidelines are limited (Family Support Act of 1988; Guidelines for setting child support awards, 1989). In theory, there should be few deviations from the guidelines since they are presumptive and may only be rebutted if their application

would be unjust or inappropriate (Md. Family Law Code §12-202(a)(2)(ii)).

The purpose of this report is to assess how the guidelines were applied in Maryland from 2011 to 2014 and whether those applications resulted in deviations from the recommended guidelines. To achieve this, we utilize a random, stratified sample of 5,287 support orders that were newly established or modified through Maryland's public system¹ between January 1, 2011 and December 31, 2014. Throughout the report, we answer the following research questions:

- 1) What are the characteristics of support orders that were newly established or modified?
- 2) According to child support orders, what are parents' incomes, and how are those incomes, along with additional information, used to calculate support orders?
- 3) How often—and why—do courts deviate from the recommended guidelines?
- 4) How do courts handle special circumstances in which the application of the guidelines may not be appropriate?

¹ Support orders in Maryland's public system are those that were established or modified under Title IV,

Part D of the Social Security Act of 1935, rather than through a private court agreement.

In addition to assessing the application of the guidelines at the state level, we individually examine each of Maryland's 24 jurisdictions, as orders are established at the local level. Although this report satisfies the statutory requirement for a quadrennial

review, it also provides practical and meaningful information to courts, state and local child support personnel, and policymakers about how the guidelines are, and are not, applied in Maryland.

BACKGROUND

The Child Support Enforcement program is a federal, state, and local partnership established in 1975 under Title IV-D of the Social Security Act of 1935. The core mission of the Office of Child Support Enforcement (OCSE) is to locate parents, establish paternity, establish support orders, and collect support (OCSE, 2013). In addition to this core mission, the program has expanded to provide innovative services to families in the areas of child support prevention, family violence collaboration, healthcare, family relationships, economic stability, and father engagement. Earlier this year, OCSE (2016) reported that states collected and distributed over \$28 billion to nearly 16 million children in federal fiscal year 2015.

In order to ensure adequacy, equity, and efficiency among child support orders, federal legislation passed during the 1980s required each state to develop a set of numeric guidelines for setting support order amounts and adhere to them, except in cases in which the application of the guidelines would be unjust or inappropriate (Child Support Enforcement Amendments of 1984; Family Support Act of 1988). In practice, the design of child support guidelines is a complex undertaking. In addition to choosing an overall model, states must also consider how best to tailor the guidelines to meet the needs of their caseloads. This flexibility awarded to states makes it difficult to compare them to one another, especially without prior understanding of the broader context of child support guidelines. Thus, this chapter provides a brief overview of the three main guidelines models used across the country and of deviation criteria. We conclude the chapter with a discussion of Maryland's

guidelines and provide a brief overview of past reviews.

Guidelines Models

As previously noted, federal regulations allow states flexibility in determining the type of guidelines model used and in specifying the factors that may be used to justify a deviation from the guidelines-calculated amount. Regulations also specify, however, that any guidelines model elected by a state must at a minimum:

1. "Take into consideration all earnings and income of the noncustodial parent;
2. Be based on specific descriptive and numeric criteria and result in a computation of the support obligation; and
3. Address how the parents will provide for the child(ren)'s healthcare needs through health insurance coverage and/or through cash medical support" (Guidelines for setting child support awards, 1989).

Across states, there are numerous idiosyncrasies with regard to such matters as whether states use gross or net income, how states allocate specific child expenditures between the parents, and how states implement adjustments for other children or shared parenting. Still, there are essentially three basic guidelines models in use across the country: Percentage of Income; the Melson Formula; and Income Shares (National Conference of State Legislatures, 2016; Williams, 1987). We describe each of these models briefly in the following sections.

Income Shares Model

First introduced in 1987, the Income Shares model was developed by Dr. Robert Williams and staff as part of the federal Child Support Guidelines Project funded by the United States Health and Human Services agency (Williams, 1987). This model is “based on the concept that the child should receive the same proportion of parental income he or she would have received if the parents lived together” (Williams, 1987, p. II-vi). If the household were still intact, the collective income of both parents would be spent on the children to provide housing, food, clothing, and child care, medical care, and other necessities as well as recreational activities. Accordingly, in the Income Shares model, the incomes of both parents, the number of children, and additional expenses such as child care and health insurance are considered in determining a total support obligation. The resulting total support obligation is then prorated between the parents based on their proportion of the total combined income (Williams, 1987).

There is an underlying economic assumption built into this model that the proportion of income spent on children decreases as income increases. In addition, the model allows for adjustments related to shared custody and, in some states, the age of the child(ren) (Morgan, 2005). It is likely that these strengths are what make the Income Shares model the predominant model used in the United States to date. Today, the majority of the country (39 states), including Maryland, utilize this model (Figure 1).²

Percentage of Income Model

In the Percentage of Income model, the recommended child support obligation is derived solely from the income of the noncustodial parent. The underlying assumption of this approach is that each parent will spend the same proportion of his or her income on the child. States that choose this model may choose to use either a flat or a varying percentage model. In a flat Percentage of Income model, all noncustodial parents, regardless of income, pay the same percentage of their income toward child support. In a varying Percentage of Income model, the percentage is determined at a variable rate, which decreases as income increases. Regardless of which type is used—flat or varying—the percentage is determined by the number of children, and in some states, the ages of the children shared by the parents, and it assumes that child care and medical costs will be covered by the support amount.

The main strength of the Percentage of Income model is its simplicity. Of the three models, it is the easiest to learn, explain, and understand, and it is less prone to error (Morgan, 2005). However, this model does not take into consideration the various adjustments made to child support amounts for child care, medical expenses, or custody arrangements, among many other factors. Five states (Alaska, Illinois, Mississippi, Nevada, and Wisconsin) currently utilize a flat Percentage of Income model and three states (Arkansas, North Dakota, and Texas) utilize a varying Percentage of Income model (NCSL, 2016).

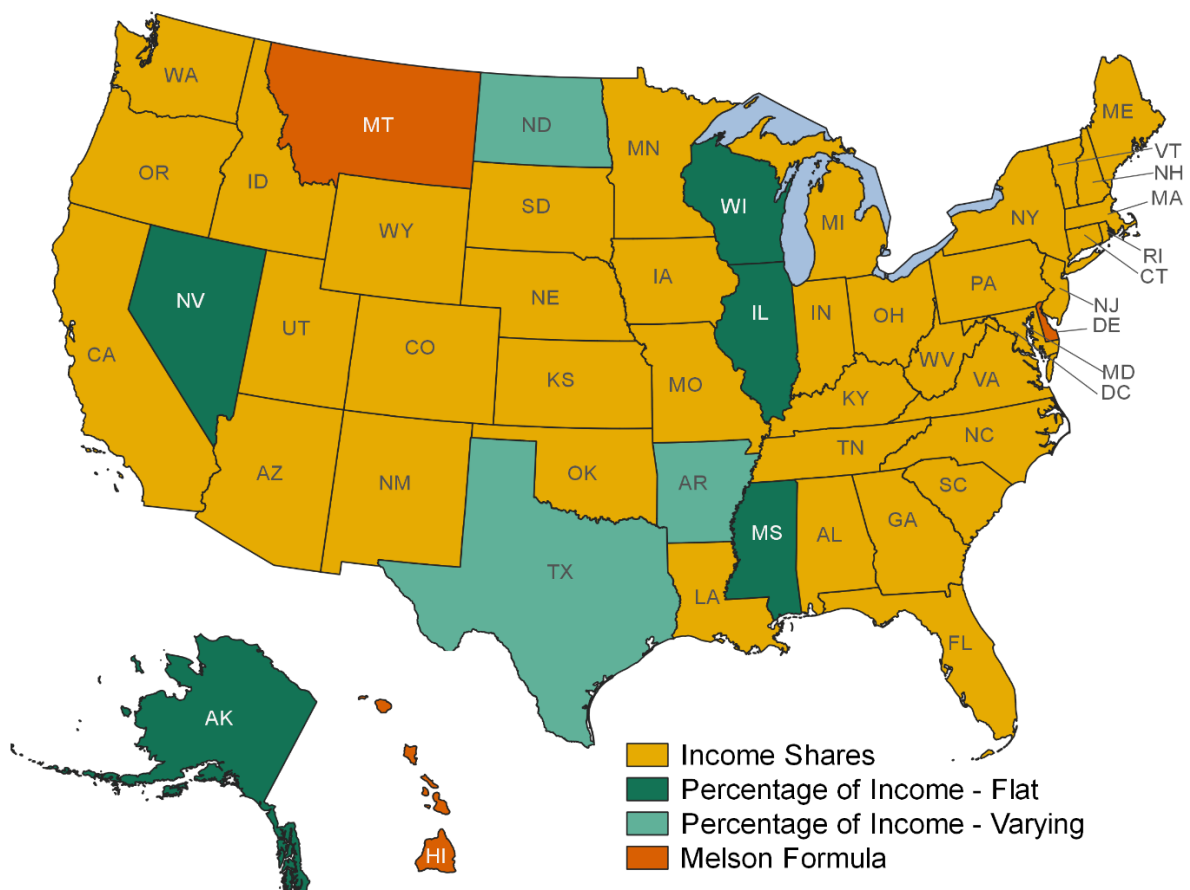
² Figure 1 was created based on 2016 data from the National Conference of State Legislatures (NCSL).

Melson Formula

The Melson Formula, developed by Judge Elwood Melson of Delaware, was the first presumptive child support standard to be used on a statewide basis (Williams, 1994). It is premised on three assumptions: (a) that parents should first meet their own basic needs; (b) that children should then also have their basic needs secured; and (c) that parents should share increases in their income with their children. Thus, the calculation of basic support includes a

standard of living allowance for both parents and a calculation of minimum support per child before the support obligation is prorated according to each parent's percentage of combined income. Many perceive this model as the fairest and most equitable of the three models given that it considers the needs of both the parents and the child. It is, however, the most complicated model, and to date is the least popular, used by only three states: Delaware, Hawaii, and Montana (NCSL, 2016).

Figure 1. Guidelines Models by State (2016)



Deviation Criteria

Regardless of the guidelines model employed by a court, the presumptive support order amounts are generally grounded in economic data that reflects average family expenditures. Average expenditure data provide a sufficient basis upon which to construct guidelines models; however, they are merely averages and may not universally result in a just or appropriate support amount for all families. When family circumstances are atypical, a degree of flexibility or discretion ensures the support obligation is accurate and just. Federal regulations do provide this flexibility to states, albeit, with important caveats. Specifically, in cases where the recommended child support amount would be inappropriate, states may deviate from the guidelines if doing so is in the best interest of the child(ren). The case findings that rebut the guidelines must state the amount of support that would have been required under the guidelines and include a justification for why the order amount deviates from the guidelines (Guidelines for setting child support awards, 1989).

Just as states may choose their own guidelines models, they may also specify their own acceptable criteria for deviation. Some states provide considerable specificity with regard to what constitutes acceptable reasons for deviations, while others provide very little. Moreover, even among states that enumerate their deviation criteria, there is no uniformity. To illustrate, Morgan (2005) identified more than 40 different deviation factors in use across the country. Most states' deviation criteria do, in some fashion, reference health insurance

and extraordinary medical expenses, child care expenses, shared custody or extraordinary visitation, joint custody, and other children of either parent to whom a duty of support is owed. In recognition of how frequently such special circumstances arise in caseloads, many states have incorporated some of these issues into the basic calculation of support amounts or as standard additions. Furthermore, some states include a discretionary factor in their child support guidelines that allows officials to deviate for reasons other than those specifically named, as long as the deviation is in the best interests of the child(ren). The federal mandate for states to review case data every four years "to ensure that deviations from the guidelines are limited" (Family Support Act of 1988) is especially important for those states, like Maryland, that include a discretionary provision.

Maryland's Child Support Guidelines

Maryland, like the majority of other states, uses the Income Shares model as the basis for its child support guidelines. We note two specifications of Maryland's model, however. First, the model uses gross income rather than net income³ and provides income adjustments for existing child support obligations and alimony payments paid or received. Second, the model allows for a shared custody adjustment when each parent resides with the child(ren) for at least 35 percent of the overnights in a year.

Consistent with federal rules, Maryland, like most states, allows a deviation from the guidelines if there is "evidence that the application of the guidelines would be unjust

after considering all tax advantages, credits, and deductions.

³ Some states use net income rather than gross income in their Income Shares model. Net income is the disposable income that a family has available

or inappropriate in a particular case” (Md. Family Law Code §12-202(a)(2)(ii)). If the court finds that a deviation is justified, there must be a written or specific finding on the record stating the reasons for the deviation and how those reasons serve the best interests of the child(ren). In addition, the court must specify what the obligation would have been under the guidelines, how the order varies, and the estimated value of in-kind support, if applicable (Md. Family Law Code §12-202 (a)(2)(v)). This same process applies to consent orders,⁴ which may be negotiated outside of court.

Previous Guidelines Reviews

Mandatory quadrennial reviews, as required by the Family Support Act of 1988 as well as Maryland Family Law (Md. Family Law Code § 12-202(c)), provide an opportunity to assess how the guidelines are applied and whether their application results in appropriate child support amounts. We achieve this primarily by examining the deviation rate and reasons for deviations from the guidelines every four years. A national review of guidelines is challenging because states have flexibility in both the specific design of their child support

guidelines and in their deviation criteria. This makes it difficult to compare the results of guidelines reviews from one state to those of another.

This is the sixth case-level report on the application of the guidelines in Maryland’s public child support orders. In each of the previous review periods, we consistently found that courts correctly applied the guidelines in the majority of newly established and modified support orders, as required. Similarly, deviation rates were steadily in the narrow range between 21% and 25% (See, Hall, Kim, Passarella, & Born, 2012; Saunders, Young, Ovwigho, & Born, 2008; Ovwigho, Born, & Saunders, 2004; Welfare and Child Support Research and Training Group, 2000; and Vallair & Born, 1996). Support orders with deviations were more likely to be lower than the amount recommended by the guidelines (downward deviation) than to be above the recommended amount (upward deviation), typically because both the noncustodial parent and the custodial parent on the order agreed to a lower amount. In this review of the guidelines, we examine orders that were newly established or modified between January 2011 and December 2014.

⁴ Consent orders are voluntary agreements between parents that are negotiated outside of, but approved by, the court.

METHODS

This chapter describes the methodology used for the 2011 to 2014 case-level review of the Maryland child support guidelines. We describe how the sample of orders was selected, data collection methods, how we define variables, and analysis techniques used.

Sample

The population from which the sample for this study was drawn was all child support orders that were newly established or modified through Maryland's public child support program between January 1, 2011 and December 31, 2014. We selected child support orders from the population of all child support cases in the Child Support Enforcement System (CSES). CSES is the automated information management system maintained by Maryland's Child Support Enforcement Administration (CSEA). Support orders associated with cases were included in the sampling frame when at least one of the following criteria was met: (a) a current support order amount greater than \$0 first appeared in the administrative data during the study time period (new orders); or (b) a change in the current support order amount from one month to the next within the study period, other than a change to \$0 (modifications). We exclude orders changed to \$0 as this usually reflects case closure or suspension.⁵

Courts issue support orders for a variety of cases. In order to assess the use of the guidelines, we further limited the sample of orders to those that used Maryland's guidelines. Specifically, we excluded orders

for paternity-only cases, provisional or temporary orders, and all interstate orders. Additional exclusions included orders for destitute adults, indigent parents, or spousal support. Lastly, we excluded orders that were established outside of the public child support program, but were included in the administrative data for wage-withholding and collection purposes. With these caveats and exclusions, the final sampling frame for calendar years 2011 through 2014 consisted of 61,016 new or modified child support orders.

Based on this population of 61,016 orders, we selected a stratified, random sample of 5,287 orders for inclusion in the final study sample. Although a simple random sample is a common sampling method, it is not appropriate for this study. This is because a simple random sample would only be an accurate reflection of the state as a whole as well as the reality that prevails in the state's largest jurisdictions (i.e., Anne Arundel County, Baltimore City, Baltimore County, Montgomery County, and Prince George's County). Valid statewide results are unquestionably important; however, statewide findings often mask important intra-state variations. Employing a stratified random sampling approach means that we over-sampled smaller counties and under-sampled larger jurisdictions so that each of the 24 jurisdictional samples would yield valid results.

To ensure that statewide analyses accurately reflected the true distribution of support orders across Maryland's 24 jurisdictions, we used normative weighting.

⁵ One modified order with a zero-dollar support order is in the sample, despite our initial exclusions. This

order was included in all analyses, unless otherwise noted.

The use of weights corrects for the under- and over-sampling previously described so that each of Maryland's 24 jurisdictions accounts for the same percentage of orders in the sample as it does of orders in the statewide population. For more information about the population, sample, and weights used for this study, please refer to Table 1 on page 12.

The final sample for this study yields valid statewide results with a 95% confidence interval and a $\pm 5\%$ margin of error. Jurisdictional results are valid with a 90% confidence interval and a $\pm 6\%$ margin of error; these parameters are generally accepted in quantitative research. Their practical meaning, in the context of this study, is that 95% of the time the sample proportions at the state-level, such as the deviation rate, would lie within $\pm 5\%$ of the true deviation rate (i.e., the rate that would be found if every case in the population were reviewed) if repeated random samples of support orders were drawn from the same population.

Data Collection

Support orders randomly selected into this sample were shared with local child support managers in each of the 24 jurisdictions. Following collaboratively developed protocols, child support personnel in each jurisdiction located the physical court records containing the specified child support orders and their corresponding guidelines worksheets. Personnel made photocopies of these documents and forwarded them to University of Maryland School of Social Work staff. Upon receipt, staff reviewed and abstracted the orders and worksheets, then entered data into a customized SQL Server database that was created specifically for use in this multi-year

project. After all data was entered, it was extracted from the database and converted to an SPSS file, which was utilized by staff for analysis.

Variable Construction and Additional Data Sources

Many of the variables analyzed in this report came directly from the aforementioned database in three forms: (a) as a dichotomous (yes or no) variable (e.g., was there an addition to support for healthcare?); (b) as a continuous variable with an infinite number of values (e.g., noncustodial parent's income); or (c) as a nominal variable (e.g., jurisdiction, custodial parent's relationship to child). In addition to these standard variables, some variables were retrieved using other data sources or were created based on additional data. A description of these variables, how they were created, and accompanying data sources are listed below in the order in which they appear in the report.

TANF Participation

The relationship between the federal Temporary Assistance for Needy Families (TANF) program and the Child Support Enforcement program is very salient to this study, as some families who receive TANF go on to receive a significant amount of child support as a result of the partnership between these two agencies. To assess the percentage of custodial families that had any previous TANF receipt, we matched identifying information from our in-house database to data from the Child Support Enforcement System (CSES) to retrieve TANF participation. All orders in the sample were coded within CSES as Current Assistance, Former Assistance, or Never Assistance. Custodial parents and children who were coded as Current or Former

Assistance were currently participating in or had previously participated in either TANF or Aid to Families with Dependent Children, TANF's predecessor.

Categories of Monthly Gross Income

We created this variable to provide the reader with additional context within which to consider the monthly incomes of noncustodial parents and custodial parents. We created each category based on the raw incomes retrieved from the collected orders. Parents with an income of \$0 in the database were coded as *No Income* and parents with a monthly income of \$1,257 or less were coded as *Full-time Minimum Wage (\$1,257) or Less*. We based this category on Maryland's minimum wage between 2011 and 2014, which was consistently \$7.25 during all four study years (Department of Labor, Licensing & Regulation, 2016). The prevailing minimum wage was multiplied by 40 hours a week, which is considered full-time work, and the result was multiplied by 4.33 weeks to attain the gross, monthly income of someone hypothetically employed full-time and earning the minimum wage. In general, 4.33 weeks is utilized to convert weekly income to monthly income because there is an average of 4.33 weeks in each month (52 weeks each year divided by 12 months each year). Similar to the first category, the third category of monthly gross income (\$1,258 - \$2,259) was drawn from the data.

The final category was created based on Maryland's living wage, and we coded parents with a monthly income of \$2,260 or more as *Maryland Living Wage or More*. A living wage is the amount that needs to be earned within a specific, measured timeframe to afford basic necessities. This is an alternative measure of basic needs

that is based on the local market within specific geographic regions as well as expenditure data on such necessities as food, child care, health insurance, housing, transportation, and personal items (e.g., clothing and hygiene items). For this analysis, we relied on the living wage calculation derived by Dr. Amy K. Glasmeier of the Massachusetts Institute of Technology (2016). Although the living wage changes as family composition changes, we selected the living wage for one adult with no children as the basis for this analysis. This wage was selected because we do not know individual family compositions of families in this sample, beyond what is included in the court orders. As of August 31, 2016, the Maryland living wage for one adult was \$13.05 per hour. We multiplied this wage by 40 hours a week, and then again by 4.33 weeks, to attain a monthly gross income of \$2,260.

Estimated Imputed Income

Maryland law does not require courts to document or track instances when income is imputed to an amount other than what a parent is actually earning. Income is usually imputed at the equivalent of working full-time and earning minimum wage; because of this, we *cannot* observe it. Therefore, in an attempt to gauge how frequently orders are based on imputed income, we created a proxy variable. A proxy variable is one that *can* be observed and is presumed to be highly correlated with the unobserved variable.

Although we cannot observe the use of imputed income in the calculation of support orders, we can observe how often gross monthly income is the equivalent of working full-time hours and earning minimum wage. To account for the varying ways courts

calculate imputed income at full-time minimum wage, we coded parents who had gross monthly incomes documented between \$1,255 and \$1,257 as imputed income. The lower end of this range was reached by multiplying the prevailing minimum wage between 2011 and 2014 (\$7.25) by 40 hours a week, which is considered full-time employment, and then again by 4.33 weeks. The result is a gross monthly income of \$1,255.70, which some courts round down to \$1,255, and others round up to \$1,256. The higher end of the range was reached through an alternative calculation utilized by some courts. This calculation multiplies the minimum wage by 40 hours a week, then again by 52 weeks, and then divides by 12 months. The result is a monthly income of \$1,256.66, which some courts round down to \$1,256 and some courts round up to \$1,257.

It is possible that at least some parents are employed full-time and earn minimum wage; we expect, though, that it is uncommon. To illustrate, only 1% of hourly, full-time workers at the national level actually earn the federal minimum wage (Bureau of Labor Statistics, 2016). Though a proxy variable is certainly an imperfect measure, national data gives us confidence that our estimates are close to the true percentage.

Deviation Rate

Under Maryland law, any departure from the guidelines could be considered a deviation (Md. Family Law §12-202(a)(2)(v)). Practically, though, small differences between the guidelines schedule and the actual order amount are inconsequential. If the guidelines schedule calculates an order to be \$195 per month, for example, but a court rounds this amount to \$200 per month, is this a meaningful difference?

Should that difference count as a deviation from the guidelines?

Operationalizing a deviation is subjective. In the first case-level review of the guidelines, deviations were defined as a difference of one dollar or more. In each subsequent review, however, deviations were defined as a difference of \$10 or more. In this 2016 guidelines review, we were consistent with previous reviews and defined a deviation as a difference of \$10 or more between the guidelines schedule and the support order amount.

Data Analysis

Throughout this report, we use univariate statistics to describe support orders, how the support amount is calculated, and deviations from the guidelines. Common statistics reported include the average, median, and 95% confidence interval (CI). The average represents the statistical mean, or the number at which one would arrive if the total (e.g., all custodial parents' earnings) was divided by the number of support orders included in the analysis. We also present the median because it is sometimes a better representation of the data. One can find the median by arranging all values from lowest to highest and selecting the midpoint value. Extreme values do not affect the median, which is why it is sometimes preferred over the mean. Finally, the 95% confidence interval is a range of values that surround the mean. When using a 95% confidence interval, one can be 95% certain that the true mean of the population falls within that range. We also utilize Pearson's chi-square to compare characteristics associated with deviations. As previously discussed, all state-level analyses in this report are weighted to account for the stratified sample.

Table 1. Support Order Population and Sample Size by Jurisdiction: 2011 – 2014

	Population 2011 – 2014		Sample 2011 – 2014		Weighted Sample 2011 – 2014	
	Proportion of Population	<i>n</i>	Proportion of Sample	<i>n</i>	Applied Weight	Weighted Sample Size
Allegany	1.89%	1,154	4.27%	226	0.442	100
Anne Arundel	7.47%	4,560	4.82%	255	1.549	395
Baltimore City	13.94%	8,506	5.03%	266	2.771	737
Baltimore County	8.45%	5,158	4.80%	254	1.760	447
Calvert	1.78%	1,087	4.16%	220	0.428	94
Caroline	0.90%	552	3.42%	181	0.264	48
Carroll	2.09%	1,277	4.22%	223	0.496	111
Cecil	2.50%	1,526	4.35%	230	0.575	132
Charles	4.16%	2,537	4.63%	245	0.897	220
Dorchester	1.16%	708	3.65%	193	0.318	61
Frederick	3.91%	2,386	4.69%	248	0.834	207
Garrett	0.59%	358	2.82%	149	0.208	31
Harford	4.73%	2,889	4.60%	243	1.030	250
Howard	2.46%	1,501	4.20%	222	0.586	130
Kent	0.59%	362	2.97%	157	0.200	31
Montgomery	9.77%	5,962	4.94%	261	1.979	517
Prince George's	19.34%	11,803	5.05%	267	3.830	1,023
Queen Anne's	0.80%	489	3.35%	177	0.239	42
St. Mary's	2.96%	1,805	4.39%	232	0.674	156
Somerset	0.98%	597	3.61%	191	0.271	52
Talbot	0.77%	471	3.27%	173	0.236	41
Washington	5.17%	3,154	4.79%	253	1.080	273
Wicomico	2.64%	1,609	4.43%	234	0.596	139
Worcester	0.93%	565	3.54%	187	0.262	49
Maryland	Total Population: 61,016		Total Sample: 5,287		Weighted Sample: 5,287	

CHARACTERISTICS

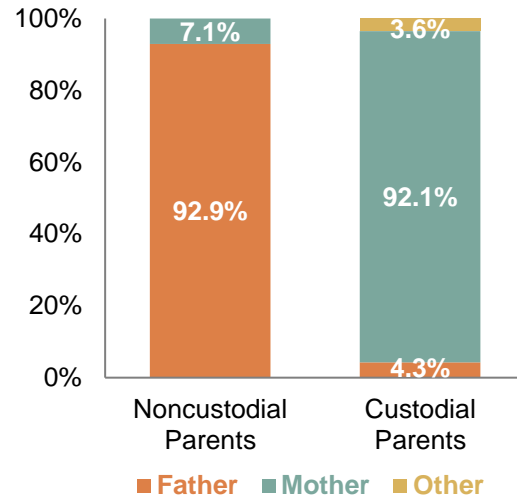
In this first findings chapter, we examine characteristics of this sample of support orders that were established or modified between January 2011 and December 2014. To begin, we present the relationship of noncustodial and custodial parents to their children and the percentage of orders that were newly established or modified. We also show the types of worksheets that were most commonly used and explore custodial parents' participation in the Temporary Assistance for Needy Families (TANF) program.

Relationship to Children

In the child support program, the primary caregivers of children are commonly referred to as custodial parents, and parents who are not the primary caregivers are referred to as noncustodial parents. Noncustodial parents are responsible for paying a monthly support obligation to the custodial parent based on a court order. As shown in Figure 2, noncustodial parents were largely fathers (92.9%), though there were some (7.1%) who were mothers. Custodial parents, on the other hand, were mostly mothers (92.1%), though there were some fathers (4.3%) who fulfilled this role. Additionally, there were other caregivers (3.6%) who were neither biological nor adoptive parents. Compared to the last guidelines review, the percentage of noncustodial parents who were mothers decreased slightly (8.6% vs. 7.1%), while the percentage of noncustodial parents who were fathers increased by nearly two percentage points (90.3% vs. 92.9%). Since the last review, the percentage of custodial mothers has increased (90.3% vs. 92.1%), while the percentages of custodial fathers

(5.7% vs. 4.3%) and non-parent custodians (4.0% vs. 3.6%) have both decreased.

Figure 2. Relationship to Children



Jurisdictional analyses are largely similar to statewide findings. In each jurisdiction, fathers are most often the noncustodial parents, and mothers are most often the custodial parents. There are variations, however. In Caroline County, for example, every one in five (19.9%) noncustodial parents were mothers, whereas in Prince George's County, only 1.9% were mothers. In Caroline County (11.6%) and Carroll County (10.8%), approximately one in 10 custodial parents was someone other than the mother or father, while it was much rarer in other jurisdictions.

Support Order and Case Characteristics

Table 2 describes some characteristics of the child support orders sampled between 2011 and 2014, including the order type and the type of worksheet used to calculate noncustodial parents' recommended support amounts. As shown in the first section of Table 1, roughly seven in 10

orders (71.5%) were newly established, and roughly three in 10 (28.5%) were modifications to previously established orders. In Maryland, modifications to support orders already established are prompted by a material change in the circumstances of the parents (Md. Family Law Code §12-104(a)). Since the last guidelines review, the percentage of orders that were newly established decreased by nearly 20 percentage points (89.6% vs. 71.5%), and modifications have similarly increased (10.4% vs. 28.5%). This finding is consistent with federal data that show a decrease in public child support cases over time (Office of Child Support Enforcement, 2016).

The next section of Table 2 describes the type of worksheet used to calculate the recommended child support amounts. To more easily calculate the guidelines-recommended child support amounts, courts enter parental income and additional information into either an electronic or paper worksheet. The child support amount can then be calculated automatically or by hand, based on a specific formula that is described in the next chapter. An example of a sole custody worksheet that is used to calculate orders is available in Appendix A. Similar to the last review period, the overwhelming majority of orders were based on sole custody arrangements using either the standard sole custody worksheet (92.2%) or the recommendation of a master for sole custody (3.5%). Very few cases were joint custody orders utilizing the joint custody worksheet (4.2%) or the recommendation of a master of the court (0.2%).

A master is a judicial officer of the court who may hear evidence on behalf of a judge to make recommendations to the judge. In

child support cases, masters sometimes forgo use of the traditional child support worksheet and instead write recommendations for the support order amount based on the evidence they review. In Table 2, master's worksheet refers to orders that were determined by masters without the inclusion of the standard worksheet. As shown, regular worksheets were used to establish child support amounts for almost all orders (96.4%), while master's worksheets were used for a small percentage of orders (3.7%). The percentage of orders using masters' worksheets has doubled since the previous review period (1.8% to 3.7%), but nonetheless are still used infrequently.

Though Table 2 shows characteristics for the entire sample of orders, findings varied by jurisdiction. Most notable were variations in order type and worksheet type. Three jurisdictions, for example, had very few modifications (Baltimore City, 6.8%; Worcester County, 1.6%; and Caroline County, 1.1%). In contrast, more than half (53.6%) of Frederick County's orders in this sample were modifications. Worksheet type varied as well. Joint custody worksheets, for example, were most common in Queen Anne's County (13.0%), Cecil County (10.9%), and Frederick County (10.1%), while master's worksheets (either sole or joint) were rarely used in most jurisdictions with the exception of Howard County and St. Mary's County. Seven in 10 (69.4%) orders in Howard County and one in six (16.4%) orders in St. Mary's County were established or modified using masters' worksheets or recommendations.

In addition to support order characteristics, Table 2 shows the percentage of custodial parents who were participating in TANF at the time their order was established or

modified, the percentage who had formerly received TANF, and the percentage who never received TANF. Former and current TANF participation is a relevant characteristic in the child support program because the two programs have historically worked in cooperation with one another. In fact, the TANF program requires recipients' cooperation with the child support program. Given this requirement, we might expect many custodial parents with support orders in this sample to have a current or former

TANF history. As shown, only one in seven (15.3%) custodial parents associated with this sample of orders were actively receiving TANF at the time their order was established or modified. Unsurprisingly, approximately half (48.5%) of custodians were former recipients, and less than two fifths (36.3%) had never received TANF. Compared to the previous review period, more custodial families within this sample of support orders had connections to the TANF program.

Table 2. Support Order and Case Characteristics

	<i>Percentage</i>	<i>Number</i>
Order Type		
New Order	71.5%	(3,780)
Modified Order	28.5%	(1,507)
Worksheet Type		
Sole Custody	92.2%	(4,873)
Master's Sole Custody	3.5%	(183)
Joint Custody	4.2%	(222)
Master's Joint Custody	0.2%	(8)
TANF Participation		
Current TANF	15.3%	(807)
Former TANF	48.5%	(2,563)
Never TANF	36.3%	(1,917)

CALCULATING THE MONTHLY SUPPORT ORDER

Throughout the process of establishing a support order, local child support offices, courts, and families must navigate a range of complex policies. Although the entire process varies according to individual family circumstances, the process of calculating a monthly support order amount is mostly a uniform process across the state. Some discretion and flexibility is certainly awarded to the courts, and thus, individual jurisdictions may handle a range of family complexities differently. This flexibility is a necessary component of the program and ensures the courts can handle family dynamics in an equitable and just way. Overall, though, courts follow a methodic process which results in a presumably fair, appropriate, and accurate support order amount.

To examine this process and how it was applied to newly established and modified orders between 2011 and 2014, this chapter is divided into three sub-sections. Overall, this chapter shows how courts calculate child support orders, beginning with the monthly gross income of each parent and

ending with the monthly support order amount.

Part I: The first part of this chapter is devoted to explaining how combined adjusted monthly income is calculated. Specifically, deductions for previously paid child support obligations and alimony are deducted from each parent's monthly gross income to arrive at the combined adjusted monthly income. This is the first piece of information utilized by courts to ascertain support order amounts.

Part II: The second part is focused on how the courts determine the basic child support obligation. The basic child support obligation is the amount of money that would be spent to raise the child(ren) if the family were still intact. These amounts are specified in Maryland law and are based on economic data that is reviewed every four years.

Part III: The third and final part of the chapter shows how the information from Parts I and II are used by the courts to arrive at the monthly support order for which the noncustodial parent is responsible.

Part I: Calculating Parents' Combined Adjusted Monthly Income



Monthly Gross Income

To calculate the combined adjusted parental income, courts must first document the gross monthly income of both parents. In Maryland, income is defined as parents' actual income before taxes (i.e., income actually received each month) or their potential income (income they could potentially earn if employed to full capacity) (Md. Family Law Code §12-201(h)). The gross monthly income of both parents is the basis for all child support calculations in Maryland and includes the amount they receive each month from: (a) employment, including salaries, wages, commissions, bonuses, and expense reimbursements from employers; (b) government programs, including Social Security benefits, workers' compensation, unemployment insurance, and disability insurance; and (c) other sources, including dividends, interest, trusts, annuities, and alimony. Gross monthly income does *not* include benefits received from public assistance programs that are means-tested, such as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), food assistance, or emergency, medical, and housing assistance (Md. Family Law Code §12-201(b)).

In Figure 3, we present the percentages of both noncustodial parents and custodial parents who had: (a) no documented

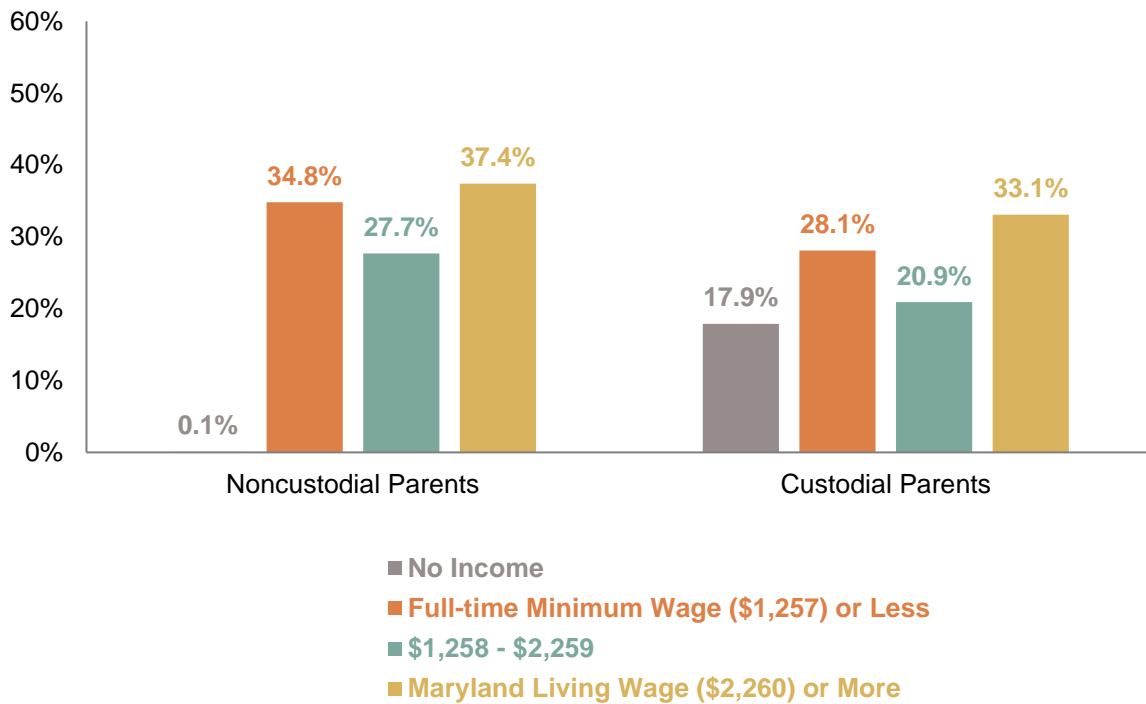
income each month; (b) gross monthly income at or below the equivalent of working full-time and earning minimum wage; (c) gross monthly income between the minimum wage and Maryland living wage; and (d) gross monthly income at or above the Maryland living wage. As shown, very few (0.1%) noncustodial parents had no documented income on the worksheet while approximately one in six (17.9%) custodial parents had no documented income, a marked difference between parents.

There is a myriad of reasons why custodial parents are more likely to have no documented income. First, if a custodial parent is caring for a child who is two years old or younger for whom both parents are responsible, the courts may use only actual income and not potential income. If the custodial parent is employed, then actual income can be included in the calculation of the support order. If the custodial parent is not employed and elects to stay home with the young child, no income can be listed. Second, some courts do not include the incomes of custodial parents who are not the biological or adoptive parent. This is discussed further in a later chapter. Third, custodial parents who receive TANF cannot have their cash benefits listed as income in the calculation of the support order. However, the courts can, and do, impute income for some of these parents.

Figure 3 also shows that one third (34.8%) of noncustodial parents and more than one quarter (28.1%) of custodial parents had monthly incomes equal to or less than \$1,257, the monthly income one would have if employed full-time and earning minimum wage.⁶ Though it was more common for both noncustodial parents (37.4%) and

custodial parents (33.1%) to have incomes of \$2,260 or more (the income they would need to reach the Maryland living wage), it should be noted that more than three fifths (62.6%) of noncustodial parents and two thirds (66.9%) of custodial parents had income below the Maryland minimum living wage for one adult.

Figure 3. Categories of Monthly Gross Income



⁶ Please refer to the methods chapter (p.10) for calculation details.

To supplement Figure 3, we provide Table 3, which provides a summary of gross income for both parents. This table excludes parents who had no documented income. Noncustodial parents' documented incomes ranged widely, with a minimum of \$50 per month and a maximum of \$32,700 per month. On average, noncustodial parents had \$2,500 in gross monthly income, though median income was nearly \$800 less (\$1,733) and is more representative of the typical noncustodial parents' income. Custodial parents had similar monthly incomes, with an average of \$2,526 each month and a median of \$1,837, a difference of about \$700. Gross incomes ranged from a minimum of \$100 a month to a maximum of \$13,750, though this range was smaller than that of noncustodial parents.

At the jurisdictional level, both parents' monthly gross incomes varied widely, which is not surprising. Both parents' monthly median incomes ranged from a low of \$1,256 in Caroline County and Dorchester County to a high of \$2,439 (noncustodial parents) and \$2,554 (custodial parents) in Howard County. In a handful of jurisdictions, including Baltimore City and some along Maryland's Eastern Shore (Caroline County, Dorchester County, Somerset County, and Worcester County), more than half of noncustodial parents had gross monthly earnings at the equivalent of full-time minimum wage (\$1,257) or less. At least some custodial parents in every jurisdiction had no income documented, ranging from 6.9% of custodial parents in Charles County to 37.7% in Calvert County.

Figure 3 coupled with Table 3 indicates that most parents are on the lower end of the income distribution, even though a sizeable percentage seem to have incomes above the living wage. Jurisdictions, though, are considerably different, and some jurisdictions have higher gross incomes than others. Still, if we multiply the state-level median gross monthly earnings of both parents by 12, the yearly income is potentially just over \$20,000 for each parent, assuming they are employed the full year.

Table 3. Monthly Gross Income Amounts

	Noncustodial Parents <i>(n=5,281)</i>	Custodial Parents <i>(n=4,341)</i>
Average	\$2,500	\$2,526
Median	\$1,733	\$1,837
Minimum	\$50	\$100
Maximum	\$32,700	\$13,750
95% CI	\$2,449 - \$2,551	\$2,470 - \$2,581

Note: Excludes noncustodial parents (n=6) and custodial parents (n=945) who had no documented income.

Imputed Income

As stated in the previous section, income is defined as parents' actual income (i.e., income actually received each month) or potential income (income they could potentially earn if employed to full capacity). When income is imputed to a potential amount, it should be based on a parent's earnings and employment history as well as occupational qualifications and available job opportunities (Md. Family Law Code § 12-201(l)). When the support order is determined, courts can impute parents' incomes to any higher amount if they are earning less than what they could *potentially* otherwise earn based on their qualifications; moreover, they can then base the child support obligation on these fictitious earnings.⁷ Income should only be imputed by the courts when a parent is voluntarily impoverished; that is, the courts believe the parent has the capacity to work or earn more than they are currently working and earning (Md. Family Law Code §12-201(h)). This is certainly evident in many cases in which the courts write directly on the child support order that the "defendant is capable of being employed." In these cases, income is imputed to some amount, usually the equivalent of working full-time at minimum wage. It should be noted that since mid-2015, Maryland's Child Support Enforcement Administration has discouraged the use of imputed income in cases in which the noncustodial parent is unemployed. They have also encouraged the use of actual income, except in cases in which the court finds the noncustodial parent is voluntarily impoverished,

⁷ The purpose of including the provision of potential income in state policy is to ensure the state is adhering to federal policy, which states that parents cannot avoid their financial obligation to children by

consistent with family law (Maryland Department of Human Resources, 2015; Rivera v. Zysk, 2001).

In support orders, it is difficult to discern parents whose incomes were imputed from parents who were actually employed full-time and earned minimum wage. Some jurisdictions in Maryland document when income is imputed while others do not. Maryland law does not require courts to document or track the use of imputed income, but through the use of a proxy variable, we are able to roughly estimate how often income was imputed for orders newly established or modified between 2011 and 2014.⁸ As shown in Figure 4, we estimate that income was imputed to the equivalent of full-time employment at the minimum wage for one in four (24.6%) noncustodial parents and nearly one in five (18.3%) custodial parents. These parents had monthly incomes documented between \$1,255 and \$1,257 on the guidelines worksheet. Even though it is possible that at least some of these parents were indeed working full-time and earning minimum wage, we expect it is uncommon. At the national level, to illustrate, less than one percent of hourly, full-time workers actually earn the federal minimum wage (BLS, 2016). Though it is an imperfect measure, this gives us confidence that our estimate is at least within the ballpark of the true percentage.

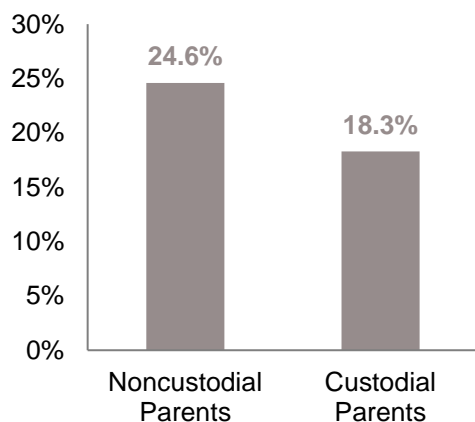
Similar to monthly gross income, the use of imputed income varies widely across jurisdictions. We estimate that in Somerset County, for example, income was imputed

deliberately not earning to their potential (Goldberger v. Goldberger, 1993).

⁸ Please refer to the methods chapter (p.10) for information on how this variable was measured.

for nearly half (47.1%) of all custodial parents and three fifths (60.7%) of all noncustodial parents, the highest estimates of any jurisdiction. At the lower end, we estimate that only 3.2% of custodial parents' incomes were imputed in Calvert County, and 5.1% of noncustodial parents' incomes were imputed in Washington County. Additionally, 16 jurisdictions imputed income to at least 20% of noncustodial parents, and 10 jurisdictions imputed income to at least 20% of custodial parents.

Figure 4. Percent of Parents with Estimated Imputed Income
Estimated at full-time employment earning minimum wage

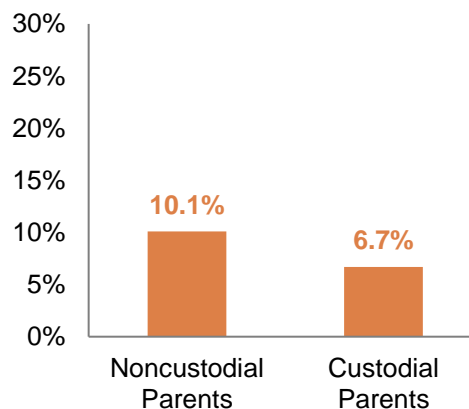


Although we estimate imputed income for at least one quarter of noncustodial parents and one fifth of custodial parents, courts' explicit use of imputed income was used less frequently. As shown in Figure 5, Maryland courts documented that income was imputed for only 10.1% of noncustodial parents and 6.7% of custodial parents. When the courts acknowledged imputing income, however, it was not always to the equivalent of full-time employment at minimum wage. For noncustodial parents, imputed monthly income ranged from \$314 to \$6,200, and for custodial parents, it ranged from \$471 to \$5,106. This suggests

that some courts may have been using potential income based on parents' previous earnings history and qualifications as well as prevailing economic conditions.

Although some courts imputed income to the equivalent of working full-time and earning minimum wage, other courts imputed income to other amounts. In Harford County, for example, some parents' incomes were imputed to the equivalent of working 40 hours per week at \$10 per hour. In this same jurisdiction, other parents' incomes were imputed to the equivalent of working 32 hours per week for \$8 per hour. Some jurisdictions, such as Talbot County and Washington County, explicitly imputed incomes to part-time wages, such as 20 hours per week at minimum wage. It is clear that income imputation varies widely by jurisdiction, though most jurisdictions do explicitly impute income in some cases.

Figure 5. Percent of Parents with Explicit Imputed Income
Courts explicitly imputed income to any potential amount



Deductions from Gross Income

Once gross monthly income has been determined for both parents, the courts deduct any alimony and any child support that is already paid on behalf of other cases from each parent's respective gross income.⁹ These deductions will result in the combined adjusted income that is necessary for the Part I calculation. Alimony is rarely accounted for on the guidelines worksheet in Maryland and is not discussed in this chapter. As shown in Figure 6, though, child support deductions *are* used and are more common among noncustodial parents. For this sample of support orders, about one fifth (20.5%) of noncustodial parents already had a child support order for another case. Although it was uncommon, some custodial parents also paid child support on a separate case (1.1%). This means that although they were the custodial parent on the case in this sample, they were the noncustodial parent on at least one other case. These findings are fairly consistent with the previous guidelines review.

Across jurisdictions, there were some differences in the percentages of parents who had child support deductions for support paid to other children. In each jurisdiction, though, at least one in 10 noncustodial parents had a child support deduction. Among noncustodial parents, deductions for other child support obligations were most common in Somerset County (31.9%) and Baltimore County (29.5%). Most jurisdictions had only a handful of custodial parents with this deduction, and six jurisdictions did not have

any custodial parents with this deduction (Calvert, Caroline, Dorchester, Garrett, Howard, and Montgomery Counties). In Carroll County, however, one out of every 10 (10.3%) custodial parents had a deduction for child support they paid on a separate case, the highest percentage of all jurisdictions, by far.

Figure 6. Percent of Parents with a Child Support Deduction

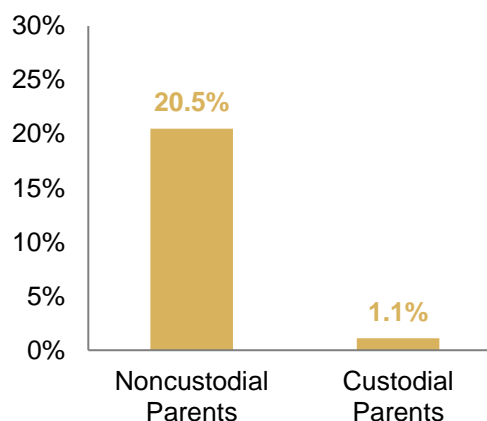


Table 4 shows the amounts of child support that were deducted from both parents' monthly incomes. Noncustodial parents with a child support deduction had an average of \$445 deducted from their gross income (median=\$353), though deductions ranged from \$20 to \$3,295. Custodial parents had lower deductions, with an average of \$358 in child support deducted from their gross income (median=\$345). Custodial parents' deductions for child support paid to other cases ranged from \$13 to \$1,085. For both parents, these average deductions are higher than in the previous review period.¹⁰

⁹ Alimony that is received is added to the monthly gross income of the receiving parent.

¹⁰ In the previous review period (2007-2010), 21.5% of noncustodial parents and 1.7% of custodial parents

had a deduction for child support and their average deductions were \$400 and \$330, respectively.

Table 4. Monthly Child Support Deductions from Gross Income

	Noncustodial Parents (n=1,082)	Custodial Parents (n=56)
Average	\$445	\$358
Median	\$353	\$345
Minimum	\$20	\$13
Maximum	\$3,295	\$1,085
95% CI	\$426 - \$464	\$296 - \$420

Note: Includes only parents who had a deduction for paid child support.

Combined Adjusted Monthly Income

After gross monthly income is documented for both parents and adjustments are made for any deductions, the incomes of both parents are added together to obtain the combined adjusted monthly income. In Maryland, the combined adjusted monthly income is the primary piece of information that is used in the calculation of the child support order. This is in line with the basic principles of an Income Shares model, which pools the income of both parents as would be done if the family were still intact.

In Maryland, the guidelines schedule is only applicable to parents whose combined incomes are between \$1,201 and \$15,000.¹¹ If the combined adjusted monthly income is \$1,200 or less, it is below the guidelines schedule and the courts may use discretion to set a support order between \$20 and \$150, depending on the circumstances of the case. As shown in Figure 7, combined adjusted monthly income is rarely that low; only about 5% of

parents had adjusted monthly incomes of \$1,200 or less.¹²

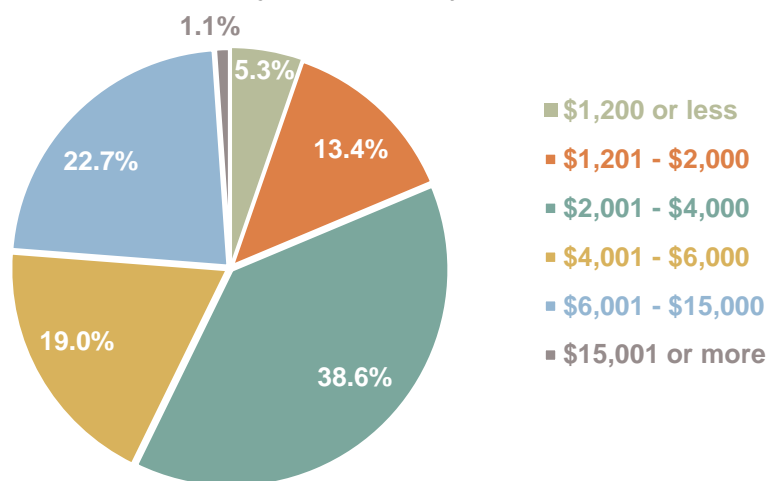
Figure 7 also shows that approximately one in eight (13.4%) parents had combined adjusted incomes between \$1,201 and \$2,000. The most common category was parents with combined incomes between \$2,001 and \$4,000 per month, which represented two in five (38.6%) orders in the sample. In yearly terms, this would represent a household earning about \$24,000 to \$48,000.

Moving to the higher end of the income distribution, about one in five (19.0%) parents had combined adjusted incomes between \$4,001 and \$6,000, and almost one in four (22.7%) had incomes between \$6,001 and \$15,000, the equivalent of a household earning between \$72,000 and \$180,000 within a year. Finally, only one percent of parents had combined incomes above the guidelines schedule (\$15,001 or more). Similar to those with the lowest incomes, courts may use discretion when determining the child support order amount for parents whose combined income falls above the guidelines schedule.

¹¹ The guidelines schedule begins at a combined adjusted income of \$1,250. However, combined income that falls between \$1,201 and \$1,250 is rounded up to \$1,250 for the purpose of calculating a support order.

¹² Income documented within the order may not always align with parents' true earnings. Because courts impute income, the percentage of families with monthly incomes of \$1,200 or less may not be an accurate representation of families that actually have incomes at or below this amount.

Figure 7. Combined Adjusted Monthly Income



Note: Excludes one order in which the combined adjusted income was zero.

It is clear from Figure 7 that more parents have combined incomes at the lower end of the income distribution than the higher end. This is further substantiated by Table 5, which presents information about the monthly adjusted income for each parent as well as their combined incomes. Although both parents are shown individually, these columns alone are not important in the determination of the support order, because the obligation is based on their combined income. Additionally, when compared to Table 3, it is clear that there is very little difference between gross income and adjusted income. For noncustodial parents, the average adjusted income was about \$100 lower than gross income since they

were more likely to have a child support deduction. The average adjusted income for custodial parents was very similar to their gross income.

The most important column in Table 5 is the information on combined parental income. As shown, parents had an average combined adjusted monthly income of \$4,475, though their combined median was about \$900 lower (\$3,547). The median family in this sample, then, if still intact, would have just over \$40,000 per year. In most (n=19) jurisdictions, the median combined adjusted income fell within the range of \$2,000 to \$4,000.

Table 5. Combined Adjusted Monthly Income

	Noncustodial Parents (n=5,281)	Custodial Parents (n=4,337)	Combined Adjusted Income (n=5,286)
Average	\$2,405	\$2,525	\$4,475
Median	\$1,690	\$1,844	\$3,547
Minimum	\$50	\$100	\$100
Maximum	\$27,722	\$13,750	\$36,450
95% CI	\$2,354 - \$2,455	\$2,470 - \$2,581	\$4,388 - \$4,561

Note: This table excludes noncustodial parents (n=6) and custodial parents (n=949) with an adjusted income of zero from each respective analysis. Combined adjusted income excludes one order in which combined income was zero.

Part II: Determining the Basic Support Obligation

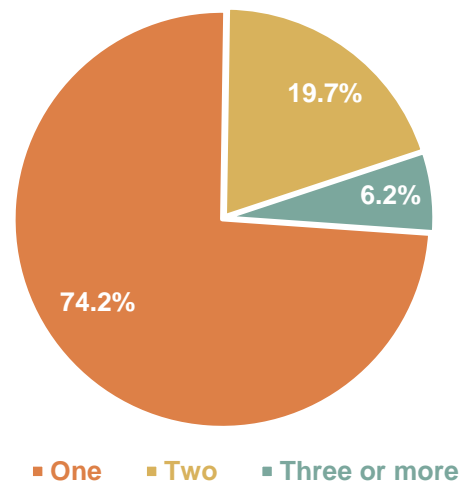


Number of Children

After the courts have calculated the combined adjusted income, they must assess how many children are to be included on the support order to determine the basic child support obligation. Maryland's child support guidelines are structured so that the basic child support obligation increases with each additional child, capped at six children.

As shown in Figure 8, most support orders in this sample from 2011 to 2014 were for one child (74.2%), a finding that is consistent with previous review periods. One in five (19.7%) orders were for two children, and only a handful (6.2%) were for orders with three or more children. In this review period, no families had more than six children.

Figure 8. Number of Children per Worksheet



Basic Support Obligation

Using the combined adjusted monthly income and the number of children on the order, the courts then refer to the guidelines schedule outlined in family law (Md. Family law SS12-204(e)) to find the basic child support obligation. The guidelines schedule provides the basic child support obligation for combined incomes ranging between \$1,201 and \$15,000 in \$50 increments.¹³ Any income amounts falling between the \$50 increments must be rounded up to the next income bracket. The basic child support obligation represents the total amount that would be spent on the child(ren)'s needs each month between both parents if the family were still intact. This information is based on economic data from the Consumer Expenditure Survey and is reviewed every four years (Venohr, 2008).

Table 6 shows the average basic support obligation for four income categories. These categories are not aligned with the guidelines schedule, as the schedule specifies 276 separate income brackets.¹⁴

These income categories do align, though, with Figure 7 which was previously discussed, but Table 6 excludes any orders that were below or above the schedule (i.e., combined income under \$1,201 or above \$15,000) because there is no basic support obligation for these discretionary orders.

For the lowest income category, \$1,201 to \$2,000, the average basic support obligation was \$262 for one child. This represents the average total amount that the schedule estimates would be spent on one child each month for an intact family who had income within this range. Consistent with the guidelines schedule, average obligations increased with each additional child and also increased as combined adjusted income increased. Unsurprisingly, the highest income category, \$6,001 to \$15,000, had the highest basic support obligations, nearly \$1,000 more per month for one child compared to the lower end. This is based on the assumption that as income increases, more income is spent on the child(ren).

Table 6. Average Basic Support Obligation
by Combined Adjusted Income and Number of Children

Combined Adjusted Income	One Child (n=3,661)	Two Children (n=982)	Three + Children (n=304)
\$1,201 - \$2,000	\$262	\$288	\$318
\$2,001 - \$4,000	\$553	\$818	\$977
\$4,001 - \$6,000	\$839	\$1,214	\$1,449
\$6,001 - \$15,000	\$1,191	\$1,792	\$2,122

Note: Excludes orders that had combined adjusted incomes below the guidelines (\$1,200 or less, n=279) and orders with combined adjusted incomes above the guidelines (\$15,001 or more, n=61).

¹³ The guidelines schedule begins at a total adjusted income of \$1,250. However, total income that falls between \$1,201 and \$1,250 is rounded up to \$1,250 for the purpose of calculating a support order.

¹⁴ The schedule provides a different set of basic child support obligations for each income bracket. For every additional \$50 in adjusted family income, the basic child support obligation increases.

Part III: Calculating the Monthly Support Order



Additions to the Basic Support Obligation

Once the basic child support obligation has been determined using the guidelines schedule, one final adjustment is made before calculating the proportion for which the noncustodial parent is responsible. The final adjustment is an addition to the basic child support obligation for any child care, health insurance, medical expenses, or qualifying additional expenses that are spent on the child(ren). The monthly cost of each of these expenses, if applicable, is added to the basic child support obligation.

Figure 9 shows the percentage of orders in this sample that had each addition, and Table 7 shows the amounts of each addition. As shown in Figure 9, one in four (25.2%) support orders had an addition to the basic child support obligation for child care. On average, \$472 was added to the support obligation (median=\$433), though the addition ranged from a low of \$4 to high of \$1,972 per month.

The most common addition to the basic support obligation was health insurance. Nearly three in 10 (27.6%) support orders had this addition. On average, \$158 was added to the basic support obligation (median=\$130), though the addition ranged from a low of \$2.58 to a high of \$978 per month. Maryland law states that support

orders established and maintained by the public child support program must include a provision requiring at least one parent to provide health insurance to the child(ren), unless covered by the Maryland Children’s Health Program (MCHP) (Md. Family Code 12-102 (c)(2-6)). If either parent cannot obtain reasonable employer-covered health insurance for the child(ren), a provision for at least one parent to provide cash medical support is to be included in the support order. This cash medical support—in lieu of health insurance—is to be added to the basic support obligation.

Given this requirement, we may expect to see at least a slightly larger percentage of orders with additions for health insurance than what is shown in Figure 9. In Maryland, children who live in households with an income at or below 300% of the federal poverty level are eligible for MCHP (Maryland Department of Health and Mental Hygiene, 2016). Given that income is low for the typical custodial parent in this sample, perhaps MCHP participation is high among this sample. Any further examination of this question, however, is beyond the scope of this report.

The final two additions, medical expenses (2.4%) and additional expenses (0.7%), were rarely used among this sample of orders. Medical expenses refer to any

uninsured extraordinary medical expenses that are incurred on behalf of the child(ren), such as physical therapy, counseling, orthodontia, or other illnesses or conditions (Md. Family Law 12-201 (g)). When used, the average addition for these medical expenses was \$172 (median=\$107) though it varied widely, with a range between \$20

and \$1,330. Additional expenses typically include items such as tuition at a private school or expenses incurred as the child(ren) travel between parents' homes. When used, the average additional expense was \$538 (median=\$289) though this, too, varied widely, with a range between \$10 and \$4,000 a month.

Figure 9. Additions to the Child Support Obligation

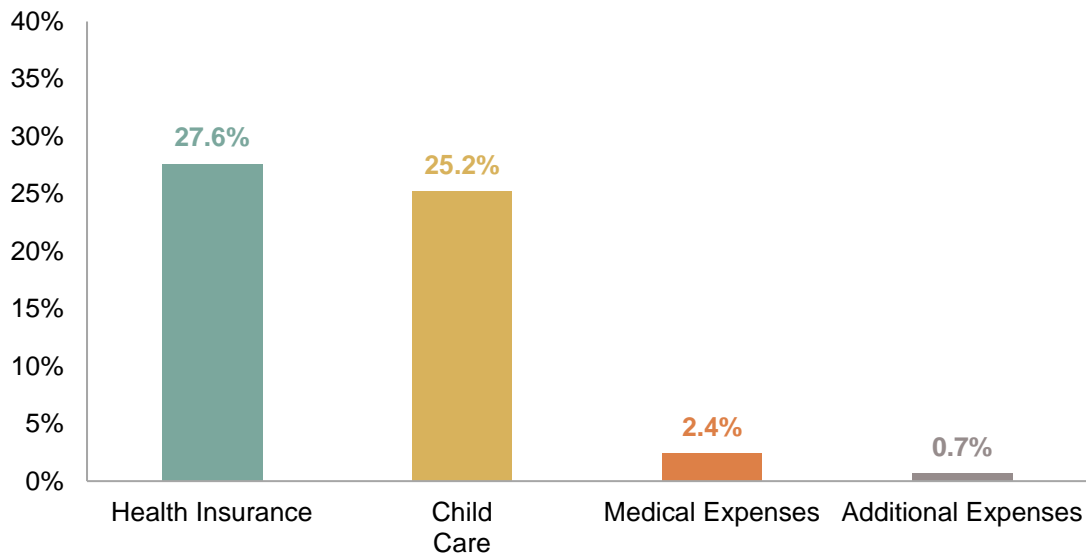


Table 7. Additions to the Child Support Obligation

	Health Insurance (n=1,458)	Child Care (n=1,332)	Medical Expenses (n=127)	Additional Expenses (n=35)
Average	\$158	\$472	\$172	\$538
Median	\$130	\$433	\$107	\$289
Minimum	\$2.58	\$4	\$20	\$10
Maximum	\$978	\$1,972	\$1,330	\$4,000
95% CI	\$152 - \$163	\$456 - \$488	\$136 - \$208	\$290 - \$786

Note: Includes orders that had each respective addition. For example, the child care column includes only orders that had an addition for child care.

Proportion of Combined Adjusted Income

The final step, after all additions have been added to the basic support obligation, is to divide the resulting amount among the parents based on their respective proportions of the combined adjusted family income. To illustrate, we present this hypothetical example: if a noncustodial parent has an adjusted income (gross income minus deductions) of \$1,500 and a custodial parent has an adjusted income of \$2,000, their combined adjusted income would be \$3,500. The noncustodial parent's income would represent 43% of the combined adjusted income while the custodial parent's income would represent 57% of the total. Consistent with the principles of an Income Shares model, the noncustodial parent would be responsible for 43% of the basic support obligation. This amount would represent the monthly support order. For this sample of 2011 to 2014 orders, noncustodial parents' adjusted incomes represented 59% of the combined adjusted parental income, on average, and custodial parents' incomes represented 41% of the total.

Noncustodial parents' adjusted incomes represented 59% of the combined adjusted family income, on average.

Monthly Support Order Amount

The support order amount that is derived from the calculations shown in this chapter is assigned to the noncustodial parent. Support order amounts can vary widely. Figure 10 displays the percentage of orders in the 2011 to 2014 sample that had order amounts within each of the specified ranges. As shown, most (61.6%) noncustodial parents had orders that amounted to \$300 or more each month. Only one in five (19.0%) orders were between \$200 and \$299 each month, and one in six (16.2%) were between \$100 and \$199 each month. Monthly orders for less than \$100 were uncommon (3.2%).

Figure 10. Monthly Support Order Amounts



Note: Data are weighted to account for sample stratification.

To complement Figure 10, we describe the monthly support order amounts by the type of worksheet that was used to determine the order as well as the amount per order and per child in Table 8. In Maryland, between 2011 and 2014, the average child support order was \$446 per month, with a median of \$357 per month. The minimum order amount was \$9, but as previously shown in Figure 9, this was uncommon. The maximum amount a noncustodial parent was ordered to pay each month was \$3,927. Nearly all jurisdictions had an average support order amount between \$300 and \$600; only two jurisdictions (Dorchester County and Somerset County) had an average below \$300.

To determine the amount noncustodial parents paid for each child, we divided each noncustodial parents' support order amount by the number of children on the order. On average, noncustodial parents were ordered to pay \$360 each month per child, with a median of \$297 per child. Support orders ranged from \$4.50 per child, per month to a maximum of \$2,178, per child, per month.

The last four columns of Table 8 show monthly support order amounts by worksheet type. Support orders calculated

with a standard sole custody worksheet ranged from \$9 to \$3,274 per month, with an average order amount of \$444 and a median of \$353. Sole custody orders that were prepared by a master of the court, however, were about \$100 higher, on average (\$549 vs. \$444). Support orders established with a joint custody worksheet had a smaller range (\$16 to \$2,225) and a lower average, with noncustodial parents ordered to pay \$426 per month, on average. In joint custody cases, time between parents is shared, so an additional adjustment is made to the support order for the amount of time spent with each parent. Joint custody orders prepared by a master of the court were about \$100 less, on average, than those calculated with regular worksheets (\$320 vs. \$426).

Compared to the previous guidelines review, support order amounts appear to be higher. This is not surprising, though. The previous review was based on orders established between 2007 and 2010. In October 2010, Maryland's guidelines were updated to reflect more recent economic estimates of childrearing, so orders established and modified after that date were higher for most families.

Table 8. Monthly Support Amount Per Order, Per Child, and by Worksheet Type

	Per Order (n=5,285)	Per Child (n=5,285)	Sole Custody (n=4,871)	Master's Sole Custody (n=183)	Joint Custody (n=222)	Master's Joint Custody (n=8)
Average	\$446	\$360	\$444	\$549	\$426	\$320
Median	\$357	\$297	\$353	\$450	\$385	\$363
Minimum	\$9	\$4.50	\$9	\$20	\$16	\$63
Maximum	\$3,927	\$2,178	\$3,274	\$3,927	\$2,225	\$569
95% CI	\$438 - \$455	\$354 - \$367	\$435 - \$453	\$485 - \$613	\$381 - \$470	\$150 - \$491

Note: This table excludes one order with a zero-dollar support amount. However, because data are weighted to account for sample stratification, this one order is counted twice. To be clear, there are 5,287 orders in the sample, but only 5,285 are included in the *per order* and *per child* analyses because the zero-dollar support order is counted twice when weights are applied. For more information on weights, please refer to the methods section on page 8.

DEVIATIONS FROM THE GUIDELINES

In the previous chapter, we described the process courts use to calculate support order amounts for which noncustodial parents are responsible. Courts, however, do not always order the amount derived from the guidelines. To account for circumstances in which the application of the guidelines would be unjust or inappropriate, Maryland law permits courts to deviate from the recommended guidelines and establish an order for a more appropriate amount (Md. Family Law Code §12-202(a)(2)(ii)). The purpose of this chapter is to examine how often courts deviate from the guidelines, the amount by which they deviate, and why they deviate. For this review, we defined a deviation as a difference of at least \$10 between the ordered support obligation and the guidelines-recommended amount.

Deviation Rate

To begin, we present Figure 11, which shows the percentage of orders in this sample that deviated from the guidelines as well as the percentage that were upward deviations and downward deviations. The most important takeaway from Figure 11 is that most orders (70.7%) that were newly established or modified between 2011 and 2014 were based on Maryland's child support guidelines.

Just under every one in four (22.9%) orders deviated from the guidelines, a rate comparable to other reviews of Maryland's guidelines. In fact, the statewide deviation rate has been quite stable over the last two decades, suggesting that the guidelines are used to calculate most support orders in the public system (Hall et al., 2012; Saunders et al., 2008; Ovwigho et al., 2004; Welfare and Child Support Research and Training Group, 2000).

Deviation rates were also analyzed for each jurisdiction and are shown in Table 12 on page 37 as well as in the jurisdictional profiles at the end of this report. Carroll County had the highest deviation rate, with two out of every five (39.9%) orders deviating from the recommended guidelines. Eight additional jurisdictions had deviation rates higher than the overall state deviation rate: Frederick County (37.1%), Harford County (36.6%), Prince George's County (32.6%), Anne Arundel County (29.4%), Montgomery County (29.1%), Washington County (28.1%), Somerset County (25.7%), and Baltimore County (25.2%). In five jurisdictions, however, deviations were rare: Baltimore City (4.9%), Kent County (5.7%), Cecil County (7.4%), Garrett County (7.4%), and Allegany County (7.5%).

Figure 11. Deviations from the Guidelines

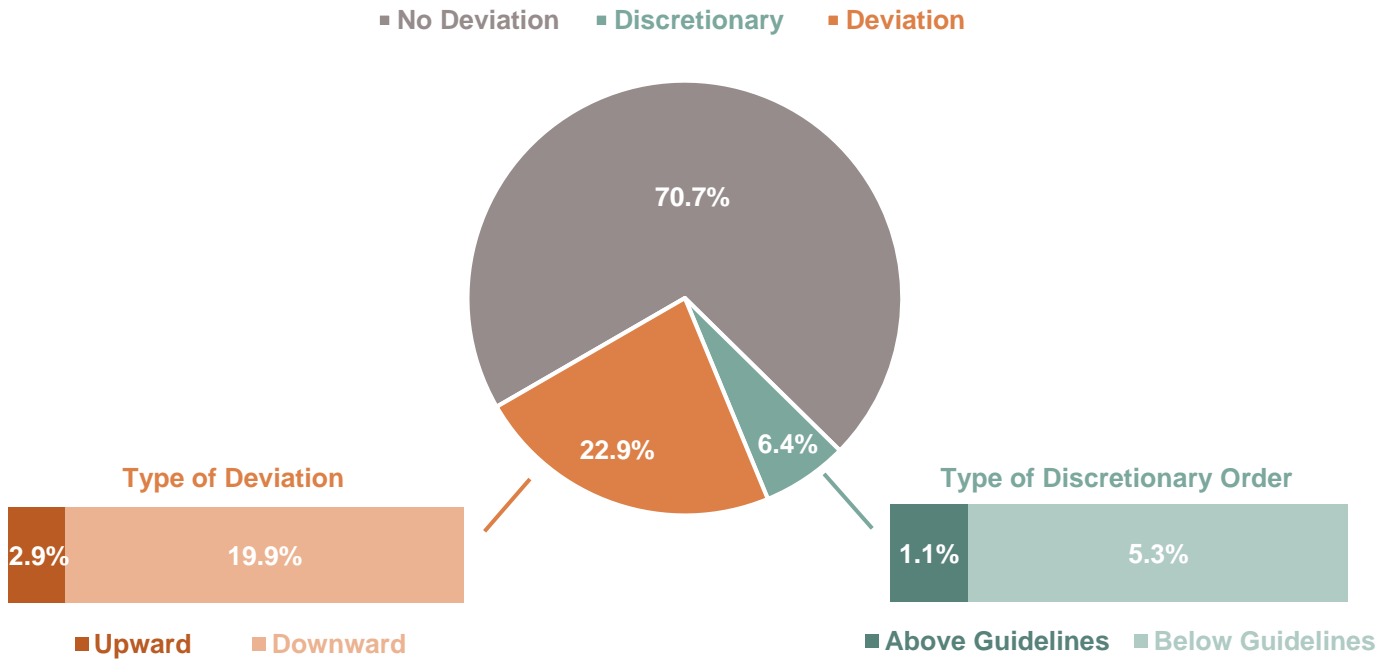


Figure 11 also shows that most deviations in this sample of orders were less than the guidelines-recommended amount (19.9%). A small percentage exceeded the guidelines-recommended amount by \$10 or more (2.9%). Among all jurisdictions, downward deviations were more common than upward deviations. In Carroll County, for example, 37.7% of orders deviated downwards. Their overall deviation rate was 39.9%, so nearly 95% of their deviations were downward. Additionally, all deviations were downward in two jurisdictions (Dorchester County and Cecil County). Percentages for individual jurisdictions can

be found in the jurisdictional profiles at the end of the report.

Table 9, which complements Figure 11, shows that when orders deviated upwards, they were an average of \$122 more (median=\$51) than the recommended guidelines amount. The deviation ranged from just \$10 to \$942 above the recommended amount. Downward deviations were an average of \$157 less (median=\$124) than the guidelines-recommended amount. Downward deviations ranged from \$10 to \$1,831 less than the recommended amount.

Table 9. Deviation Amounts

	Upward Deviation (n=155)	Downward Deviation (n=1,055)
Average	\$122	\$157
Median	\$51	\$124
Minimum	\$10	\$10
Maximum	\$942	\$1,831
95% CI	\$94 - \$150	\$148 - \$165

In addition to the deviation rate, Figure 11 also shows the percentage of orders that were discretionary orders and whether they were above the guidelines schedule (combined income of \$15,001 or more) or below the guidelines schedule (combined income of \$1,200 or less). Discretionary orders are separated from other orders in this analysis because their incomes are not within the guidelines schedule, and effectively, they cannot deviate. Instead, courts have discretion in the amounts they can order in these instances. Very few orders (6.4%) fell into this discretionary range. Additionally, most (5.3%) discretionary orders were below the guidelines schedule, and about 1% were above.

A handful of jurisdictions had a higher percentage of discretionary orders than the state as a whole. Namely, these jurisdictions included Washington County (15.4%), Dorchester County (15.0%), Montgomery County (11.5%), Frederick County (10.1%), Harford County (9.9%), Somerset County (9.9%), Kent County (8.3%), Queen Anne’s County (7.9%), and Talbot County (7.5%). In all jurisdictions, discretionary orders below the guidelines

were more common than orders above the guidelines.

As shown in Table 10, the average support order amount for a discretionary order above the guidelines was \$1,466 per month (median=\$1,558), though amounts ranged from a low of only \$184 to a high of \$3,927 per month. The average support order amount for a discretionary order below the guidelines was \$121. Discretionary orders below the guidelines had support amounts that ranged from \$20 to \$337 per month. According to family law, discretionary orders that fall below the guidelines should have support order amounts between \$20 and \$150 per month, based on the resources and living expenses of the noncustodial parent and the number of children (Md. Family Law Code §12-204(b)(2)(e)). Surprisingly, 40% of discretionary orders that were below the guidelines (112 of the 279 total) had monthly support order amounts that exceeded \$150 per month. It appears that many of these orders were issued for \$162, which is the very first basic support obligation listed in the guidelines schedule.¹⁵

Table 10. Discretionary Support Order Amounts

	Above Guidelines (n=61)	Below Guidelines (n=279)
Average	\$1,466	\$121
Median	\$1,558	\$129
Minimum	\$184	\$20
Maximum	\$3,927	\$337
95% CI	\$1,312 - \$1,620	\$115 - \$126

¹⁵ In the guidelines schedule, \$162 is the basic support obligation for a combined adjusted monthly income of \$1,250 with one child.

Deviation Reasons

Maryland law permits courts to deviate from the guidelines in cases where the application of the guidelines would be unjust or inappropriate (Md. Family Law Code §12-202(a)(2)(ii)). Additionally, if a court determines that the application of the guidelines would be unjust or inappropriate, they must write specific findings on the record that include (Md. Family Law Code 12-202(a)(2)(v)):

- a) “the amount of child support that would have been required under the guidelines;
- b) how the order varies from the guidelines;
- c) how the finding serves the best interests of the child;
- d) in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.”

In this sample of orders that deviated from the guidelines-recommended amount between 2011 and 2014, *all four* of these criteria were rarely explicitly listed. More than three fifths (64.4%) of these orders, though, partially complied with this requirement by listing at least one reason for the deviation. Figure 12 shows the percentage of orders that had a deviation reason listed, separated into six different categories: all parties agree, in-kind support, miscalculation of guidelines, encourages payments, intact second family, and some other reason. These categories are not mutually exclusive; that is, an order that deviated due to in-kind support and because the parties agreed is represented

in each of the categories. Table 12 provides this same information for each jurisdiction.

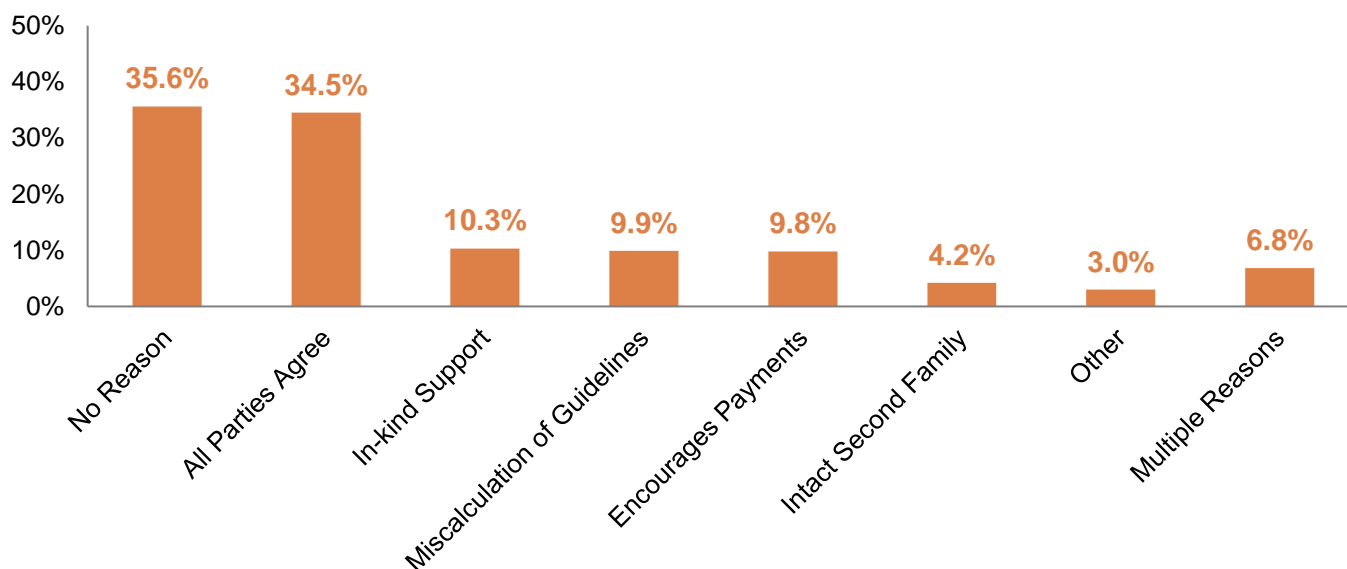
The most common reason for a deviation from the guidelines was that both parents agreed to an amount other than what was recommended. More than one in three orders (34.5%) that deviated explicitly stated that the parents agreed to a different order amount. In the previous guidelines review this percentage was approximately eight percentage points higher (42.3%), so its use as a deviation reason is less common in this review. In six jurisdictions (Baltimore County, Calvert County, Frederick County, St. Mary’s County, Washington County, and Worcester County), at least half of all orders with a deviation listed this reason. In Frederick County, specifically, it was used for nearly three quarters (72.8%) of deviated orders. On the other hand, Dorchester, Kent, and Somerset Counties did not cite this reason for any of their deviations. According to Maryland law, however, no exception should be made only because the parents agree to an amount other than what is recommended in the guidelines. Specifically, in regards to deviations, Maryland law states “that the child’s best interest is of paramount importance and cannot be altered by the parties” (Shrivastava v. Mates, 1992).

The second most common reason courts deviated from the guidelines is because the noncustodial parent was providing regular, in-kind support to the child(ren) (10.3%). Across jurisdictions, the use of this reason ranged from about 4% to 21%, but Caroline County (27.3%) and Dorchester County (63.6%), in particular, used this reason much more frequently. In-kind support is any noncash good or service that is given directly to the custodial parent or the

child(ren). This can include goods such as diapers, formula, clothes, shoes, food, and school supplies, among others. In-kind support is common among families, especially low-income families (Nepomnyaschy & Garfinkel, 2010). Not only is it received often (Nepomnyaschy & Garfinkel, 2010), but the value of in-kind goods is sometimes higher than the amount of formal child support paid to the custodial

parent (Kane, Nelson, & Edin, 2015). Moreover, in low-income families, in-kind support can represent more than one quarter of the total support parents receive each month. It is understandable, then, why courts may choose to adjust support order amounts for this reason. Consistent with family law, courts may view these contributions as in the best interest of the child and deviate accordingly.

Figure 12. Deviation Reasons



Note: Percentages do not add to 100% because orders with more than one reason are included in each category.

The third reason courts deviated from the child support guidelines is because they incorrectly calculated the support order amount (9.9%). All except two jurisdictions had at least one order deviate because of a miscalculation of the guidelines. As shown in the previous chapter, calculating the support order amount follows a specific method. At times, courts rounded down the combined adjusted income amount although Maryland family law clearly directs courts to round those amounts up. Most (83.7%) orders that deviated in Somerset County, for example, had been calculated incorrectly because the courts rounded down, rather

than up. Courts also subtracted the full amount of health insurance and child care from the guidelines-recommended amount, although they were included in the calculation of the support order. Another miscalculation was subtracting transportation costs from the recommended support order, rather than including them in the calculation process. In 2007, the legislature changed health insurance from an income deduction to an addition to the basic child support obligation, prompting a change to the worksheet. Yet, some courts continued to use the pre-2007 worksheet. Though courts overwhelmingly used the

correct worksheet, in three jurisdictions—Baltimore City, Baltimore County, and Calvert County—some courts used the pre-2007 worksheet between 2011 and 2014. Some courts also used outdated guidelines. Between 2011 and 2014, several jurisdictions¹⁶ also calculated some support orders using the pre-2010 guidelines schedule rather than the current guidelines schedule. Most of these, though, occurred in 2011, indicating that there was a transition period after the new schedule was implemented in 2010.

Some courts in Maryland deviated from the guidelines to encourage regular payments from the noncustodial parent (9.8%). Usually this deviation category was related to the financial hardship of the noncustodial parent. For example, some orders documented that the noncustodial parent had unstable employment or part-time employment. Others documented that if the noncustodial parent did pay the full guidelines amount, it would cause financial instability. Noncustodial parents with deviations due to medical reasons or a disability were also included in this category. This reason was cited in 19 of the 24 jurisdictions, ranging from 3% to 20%, except in three counties where it was used more frequently: Anne Arundel (21.3%), Wicomico (26.7%), and Carroll (44.9%).

The least common deviation reason included in Figure 12 was the presence of an intact second family (3.8%). When orders document this reason, it means that the noncustodial parent has formed a second family and paying the full guidelines amount may interfere with caring for other

resident children. Maryland law allows for a deviation for this reason, though it may not be the sole reason for the deviation (Md. Family Law Code § 12-202(a)(2)(iii)(2)(iv)). Half (n=12) of all jurisdictions cited this deviation reason, though it was most commonly used in Caroline County (13.6%) and Anne Arundel County (16.0%).

A very small percentage (3.0%) of orders deviated for a reason not included in one of the other specific categories. One additional reason courts deviated (included in this other category) was to encourage reunification between the parent and the child. These circumstances mostly apply in foster care cases, which are discussed in more detail in the next chapter. Other reasons included the custodial parent received Supplemental Security Income (SSI) on behalf of the child; the noncustodial parent was homeless; or the noncustodial parent received Social Security Disability Insurance (SSDI) and used those funds to care for the child. This list is not exhaustive of all the other reasons listed for a deviation.

Despite a requirement in family law to include a justification for a deviation from the guidelines, more than one third (35.6%) of orders with a deviation did not list a reason. In fact, every jurisdiction had some orders in which this was not done. Somerset County had the lowest percentage (2.0%) of orders without a reason, while Talbot County had the highest (86.4%). Howard County had the second-highest percentage of orders with no reason documented (70.6%). More than half (n=16) of all jurisdictions provided no reason for at least one fifth of deviated orders.

¹⁶ The following counties used the old guidelines schedule for some support order calculations: Allegany, Baltimore, Carroll, Charles, Frederick,

Dorchester, Harford, Montgomery, Queen Anne's, and Wicomico.

Table 11. Deviation Rate and Reason by Jurisdiction***

	Deviation Rate	All Parties Agree	In-kind Support	Miscalculation of Guidelines	Encourages Payments	Intact 2 nd Family	Other	Multiple Reasons	No Reason Provided
Allegany	7.5%	35.3%	5.9%	23.5%	--	--	--	--	41.2%
Anne Arundel	29.4%	33.3%	13.3%	6.7%	21.3%	16.0%	--	4.0%	13.3%
Baltimore County	25.2%	50.0%	4.7%	17.2%	9.4%	6.3%	1.6%	14.1%	20.3%
Baltimore City	4.9%	23.1%	15.4%	38.5%	--	--	--	7.7%	30.8%
Calvert	21.4%	57.4%	21.3%	10.6%	17.0%	8.5%	10.6%	34.0%	10.6%
Caroline	12.2%	18.2%	27.3%	--	9.1%	13.6%	13.6%	--	18.2%
Carroll	39.9%	7.9%	3.4%	5.6%	44.9%	1.1%	2.2%	1.1%	37.1%
Cecil	7.4%	29.4%	17.6%	17.6%	5.9%	5.9%	5.9%	11.8%	29.4%
Charles	14.3%	45.7%	20.0%	8.6%	2.9%	2.9%	8.6%	5.7%	17.1%
Dorchester	17.1%	--	63.6%	6.1%	18.2%	3.0%	9.1%	12.1%	12.1%
Frederick	37.1%	72.8%	--	2.2%	5.4%	--	1.1%	--	19.6%
Garrett	7.4%	18.2%	--	18.2%	--	--	--	--	63.6%
Harford	36.6%	44.9%	10.1%	11.2%	3.4%	1.1%	13.5%	11.2%	29.2%
Howard	7.7%	5.9%	--	23.5%	--	--	--	--	70.6%
Kent	5.7%	--	11.1%	33.3%	11.1%	--	--	--	44.4%
Montgomery	29.1%	10.5%	14.5%	11.8%	3.9%	6.6%	--	--	53.9%
Prince George's	32.6%	26.4%	11.5%	4.6%	8.0%	1.1%	3.4%	10.3%	56.3%
Queen Anne's	10.7%	5.3%	15.8%	26.3%	10.5%	--	--	5.3%	47.4%
St. Mary's	9.5%	68.2%	9.1%	4.5%	4.5%	--	--	4.5%	22.7%
Somerset	25.7%	--	--	83.7%	--	32.7%	--	16.3%	--
Talbot	12.7%	9.1%	--	--	4.5%	--	--	--	86.4%
Washington	28.1%	63.4%	4.2%	5.6%	8.5%	1.4%	1.4%	--	15.5%
Wicomico	19.2%	46.7%	4.4%	2.2%	26.7%	--	2.2%	--	17.8%
Worcester	16.6%	54.8%	--	19.4%	3.2%	--	--	--	22.6%
Maryland	22.9%	34.5%	10.3%	9.9%	9.8%	4.2%	3.0%	6.8%	35.6%

Note: Dashes indicate no orders deviated for that reason in the respective jurisdiction. *p<.05, **p<.01, ***p<.001

Characteristics that Impact the Deviation Rate

The final section of this chapter explores characteristics of orders that impact the deviation rate. In the previous review, we presented information on a range of characteristics. In this 2011 to 2014 sample, however, we found no significant differences in the deviation rate by order type, worksheet type, or the number of children on the worksheet. As shown in Table 11, however, we did find significant differences with regard to each parent's relationship to the child. The deviation rate was about 13 percentage points higher for individuals listed as the custodial parent who were not the biological parent of the child (35.4%), compared to the deviation rate among custodial parents who were listed as the mother (22.4%) or the father (22.0%) of the child; most of these were downward deviations. The deviation rate was also higher by about four percentage points when the noncustodial parent was the mother (26.4%) rather than the father (22.6%).

We also found significantly different deviation rates by combined family income. As combined family income increases, the deviation rate increased. This means that higher income parents were more likely to receive a deviation from the guidelines-recommended amount, and the deviation amount was more likely to be below that recommendation.

Only one in six (17.4%) orders with a combined adjusted monthly income between \$1,201 and \$2,000 deviated from the guidelines compared to three in 10 (30.3%) orders with a combined income between \$6,001 and \$15,000. This same pattern, though not shown, was also observed for noncustodial parents' incomes and custodial parents' incomes (i.e., higher deviation rates for higher incomes).

Table 12. Characteristics that Impact the Deviation Rate

	Deviation Rate
Custodial Parent Relationship to Child***	
Mother	22.4%
Father	22.0%
Other	35.4%
Noncustodial Parent Relationship to Child**	
Mother	26.4%
Father	22.6%
Combined Adjusted Monthly Income***	
\$1,201 - \$2,000	17.4%
\$2,001 - \$4,000	21.5%
\$4,001 - \$6,000	28.5%
\$6,001 - \$15,000	30.3%

Note: *p<.05, **p<.01, ***p<.001

CALCULATING ORDERS IN SPECIAL CIRCUMSTANCES

Family dynamics are complex, and though Maryland family law provides guidance for how most child support orders should be determined, some circumstances do not fit within the confines of the law. Thus far, this report has described the process of determining monthly support orders and how often, and why, courts deviate. The purpose of this final chapter is to highlight some of the less common situations in which courts exhibit discretion in the calculation of the support order. Specifically, this chapter will review how courts handle orders for children in foster care, orders where the custodial parent is not a biological parent, orders for parents who split custody of their children, and orders for noncustodial parents who have multiple child support orders.

Parents Do Not Have Custody of Child(ren)

Though uncommon among orders in the public child support system (3.6% of orders in this sample), some child(ren) are not in the custody of either of their parents. Instead, they may be in the custody of a government agency (i.e., in foster care) or a relative. For foster care cases specifically, federal law dictates that states must collect support on behalf of children (Child Support Enforcement Amendments of 1984). Maryland law, however, does not provide guidance on *how* courts should determine support obligations for parents whose children are in the custody of a governmental agency¹⁷ or a relative caretaker.

In its policy manual, the Child Support Enforcement Administration (CSEA) *does* provide guidance on how these cases should be handled, filling a gap in Maryland family law. The policy states that:

“In cases in which someone other than a parent has sole custody of the child (e.g., the child lives with another relative or has been placed in foster care), a recommended child support order amount shall be calculated for both parents. Because each parent is a noncustodial parent, each parent shall owe his/her proportionate share of the child support obligation amount to the custodian. In such cases, the resources of the custodian are not considered. If at the time of establishment of the child support order only one noncustodial parent has been located, the recommended child support order amount shall be calculated on the resources of one parent.” (Maryland Department of Human Resources, Child Support Enforcement Administration, n.d.)

Despite this policy, there is no continuity across jurisdictions for how parental income is determined, one of the most important components of the support calculation. In this sample of orders, two different methods for calculating support orders were used by jurisdictions. The first method is consistent with CSEA policy. First, some jurisdictions used the income of both noncustodial parents (i.e., the mother and the father) and assigned the owed support to each based on their respective proportions of income. In some instances, only one noncustodial parent was included in this calculation (presumably because the other could not be

¹⁷ The guidance it does provide is only that in cases of foster care, the total support awarded to the state may

not exceed the costs expended by the government agency (In re Katherine C., 2006).

located at the time of establishment) and no income was documented for the other parent.

A second method of calculation was to include the noncustodial parent's income *and* the relative's income in the calculation of the support order. For foster care cases, some courts imputed income to the second noncustodial parent to the equivalent of full-time employment earning minimum wage (\$1,257 per month). This second method does not align with CSEA's policy.

Within the context of the Income Shares model employed by Maryland, the CSEA guidance provided in the policy manual is the most appropriate way to calculate the support owed to the state or a relative caring for a child. Using the gross monthly income of *both* parents to determine the combined adjusted income and basing the support order for each parent on their percentage of income reflects both the model and CSEA policy. Each parent, then, would be responsible for contributing his or her portion of the support to the entity caring for the child(ren). If circumstances arise in which only one parent is responsible for the child(ren), then the entire basic support obligation would be that parent's responsibility.

Though this may be the most equitable way to determine support orders through standard methods, it may not be in the best interest of the child, particularly in foster care cases. Previous research has shown that both the presence and amount of child support orders delay reunification in foster care cases (Cancian, Cook, Seki, & Wimer, 2014). Surely it is in the best interest of the

child(ren) to reunify with their parent(s), when appropriate, so presumably courts use discretion when determining these support orders. This discretion is evident in the sample of orders selected for this study. Child support orders among children in foster care had a deviation rate of 45.8%, more than double the deviation rate for the state as a whole (22.4%). Virtually all of these deviations were downward, indicating that courts may have been trying to give parents a better a chance at reunifying with their child(ren).¹⁸

Foster care child support orders had a deviation rate of 45.8%, more than double the deviation rate for the state as a whole.

Although deviations from the guidelines may be appropriate in these cases, the calculation of parental income is not uniform across jurisdictions. The consequence of these variations in determining income is inequitable support orders (i.e., parents may pay more or less to the state and have a better or worse chance at reunification based on the jurisdiction in which they live). Although each jurisdiction may handle these cases in the manner it deems most appropriate, it raises an important equity issue for the state.

¹⁸ This is consistent with family law, which states that downward deviations to achieve economic stability in

foster care cases is in the best interest of the child (In re Joshua W., 1993).

Parents Split Custody of Children

Though uncommon, there were instances in this sample of orders in which parents had multiple children, and instead of having joint custody of the children, each parent had full custody of at least one of the children they have in common. To ensure equity, courts calculated support orders for each parent based on the number of children in custody. The difference between these calculations was the ordered support amount.

To illustrate, two examples from this study sample are provided. In the first example, two parents have three children in common. The mother had full custody of two of the three children, and the father had full custody of the third child. Based on the guidelines schedule and the court's calculation, the father owed \$911 each month to the mother for the two children in her care, and the mother, based on the guidelines schedule and the court's calculation, owed the father \$477 for the one child in his care. The difference between these two amounts was \$434, and the father was ordered to pay this amount to the mother.

In the second example, two parents had two children in common; each parent had custody of one of the children. Based on the guidelines schedule and the court's calculation, the father owed \$796 each month to the mother for the one child, and the mother owed \$315 for the child in the father's care. The difference between these two amounts was \$481 and should have been the amount the father was ordered to pay to the mother on behalf of the child in her care. However, in this example, the

parents agreed to an upward deviation, and the support order was issued for \$650 a month. Though family law does not address this specific family circumstance, courts and jurisdictions appear to handle these orders in a consistent manner. In this review period, 10 jurisdictions handled orders in this way.

Multiple Children and Multiple Court Orders

Within this sample of orders there were also several examples that involved multiple children with support orders split between multiple court cases. Generally, this occurs in two circumstances: (a) one noncustodial parent has multiple children with different custodial parents; or (b) one noncustodial parent and one custodial parent with children on separate orders.

According to Maryland family law, if a noncustodial parent has multiple children with multiple partners, support orders should follow the same method of calculation that was described earlier in this report. With each subsequent support order, though, child support owed to the other children would be deducted from gross income, which in effect, can lower the support order amount owed to other children.¹⁹ Though this is the correct way to calculate orders, courts may view it inequitable to provide one child with more support than another. Is it really in the best interest of the second or third child to receive a lower support amount because they were born later? Or is it in the best interest of the children to receive equal amounts of support?

¹⁹ Depending on the custodial parent's income, subsequent children could still potentially have a higher support order.

Courts answer these challenging questions through support order calculations in varying ways. Some courts follow Maryland law and create a separate order for each child, and any support orders that are already established are counted as an income deduction in the calculation of subsequent support orders. In other instances, though, the courts will include all children on one worksheet, while still creating separate legal support orders for each child. By including all children on one worksheet and dividing by the number of children, each child receives the same amount of support each month; the noncustodial parent also ends up paying less total support through this method. However, this amount does not take into account the income of the custodial parent, and thereby, does not actually provide the child with the basic amount of support that would be provided to that child if the family had been intact.

In one example, a noncustodial parent had three children with three different custodial parents. Rather than calculating a separate order for each of the children according to the Maryland guidelines, the court included all three children on the worksheet and divided the recommended support amount by three. This resulted in three different orders of \$149 for each of the three children. The purpose of this report was to assess the extent to which jurisdictions implement the child support guidelines as they are intended. Consequently, in our data, this order was coded as a deviation

because had the courts correctly determined the parents' combined adjusted income and used the correct number of children for that order (one child), the support order amount would have been higher. In our data, the deviation reason was coded as a miscalculation of the guidelines.

Multiple court orders can also occur even when there is one noncustodial parent and one custodial parent who have children together. Although this does not seem intuitive, it is a result of how some jurisdictions process orders. For example, if one child requires paternity while another child does not, separate orders may be created for the children. Additionally, if the courts have already begun processing one child's order and another child requires a support obligation (e.g., a second child is born during the process), then the courts may continue with two separate orders. Even though the children are listed on different orders, the courts calculate the support order amount by including all the children on a single worksheet, divide the total amount by the number of children, and list that amount on each of the court orders. When orders are processed in this way, it can result in a deviation using standard calculations. In actuality, courts are not deviating in these circumstances; rather, they are ordering the correct amount for all shared children as if they were on one order. In our data-entry process, these orders were not coded as deviations.

CONCLUSIONS

Federal law requires states to periodically review how they are using the numeric guidelines to determine child support orders. The main purpose of this process is to ensure children's financial needs are equitably met through the consistent application of the guidelines. The findings from the review help states identify opportunities to improve policy and practice so adjustments, if necessary, can be made.

Every four years, through an ongoing partnership with the Maryland Child Support Enforcement Administration (CSEA), the University of Maryland School of Social Work reviews court orders to assess Maryland's application of the child support guidelines. This current review, the sixth in the series, evaluates orders that were newly established or modified between calendar years 2011 and 2014. A random, stratified sample of 5,287 orders was selected to provide valid results at both the state and the jurisdictional level.

Consistent with previous reviews, Maryland courts regularly issued child support orders based on the amount recommended by the guidelines schedule. In fact, seven out of 10 orders were based on the guidelines. Courts did exercise discretion in nearly one in four cases, resulting in deviations from the guidelines schedule. When courts deviated, they tended to issue order amounts that were less than the guidelines-recommended amount.

Also consistent with previous reviews, the most common reason courts deviated was because both parents agreed to a different support order amount. Within the context of Maryland family law, courts must list why the deviation is in the best interest of the

child(ren). Although the agreement between parents may be in the best interest of the child, that information was not included in many of the deviated orders. About one in five deviated orders, though, did provide a rationale that was in the best interest of the child: the noncustodial parent was providing in-kind (noncash) support, or the support order amount would encourage regular payments to the custodial family. Notably, more than one in three deviated orders did not list a reason for the deviation, a substantial increase from the previous review.

Based on the findings from this review, there are a few opportunities to improve practice to ensure the guidelines are applied equitably throughout the state. One way is to strengthen local personnel's understanding of family law. Although required under state law, many support orders deviated from the guidelines-recommended amount without explaining how the deviation was in the best interest of the child. Furthermore, some orders had a deviation simply because they were incorrectly calculated. One jurisdiction, in particular, frequently rounded combined income down, rather than up, resulting in a lower support order amount. Some courts calculated the support order amount using an outdated worksheet, which was changed nearly 10 years ago, while others used the pre-2010 guidelines schedule. Enhanced training on Maryland family law could reduce the number of orders that are miscalculated or deviate without an appropriate, and explicit, rationale.

Maryland could also consider providing courts with additional guidance on how to determine support order amounts for

parents whose incomes fall below the guidelines schedule. The current schedule includes a general recommendation of \$20 to \$150 for parents with combined incomes of \$1,200 or less. Courts use discretion to determine the specific support order amounts for these cases, based on the resources and living expenses of the noncustodial parent and the number of children to whom support is owed. Two in five of these low-income cases had an order amount above \$150, the maximum amount recommended by Maryland law for these orders. To ensure parents with incomes below the schedule can comply with the court-ordered amount and reliably support their children, child support order amounts should be issued within the recommended range. Alternatively, the guidelines schedule could be adjusted to include specific recommendations for combined incomes of \$1,200 or less.

Finally, additional guidance on specific CSEA policies may be useful. Courts used various methods to calculate support orders for foster care cases and in instances where a non-parental relative was the custodian of the child. Although CSEA has a clear policy on how these cases should be handled, courts differed in the way they determine

gross income in these situations. This ultimately affects the support order amount parents are required to pay. While the discretion exhibited in these cases may be in the best interest of the children, guidance on this policy would ensure that orders are equitable. Furthermore, when appropriate, children in foster care may be more quickly reunited with their parents.

Unquestionably, Maryland courts have largely adhered to the recommended child support guidelines when establishing or modifying child support orders. This is true not only in this review, but also in the five preceding reviews. Nonetheless, nearly one fourth of orders deviated from the guidelines based on judicial discretion. While some of these deviations were appropriate based on family circumstances, an issue of equity arises in other cases. In families with similar financial situations and compositions, children may receive dissimilar amounts of support based solely on the jurisdiction in which they live or the court that determines the support order. By considering the information provided within this report, Maryland has the opportunity to improve both policy and practice for the small percentage of orders that deviate from the guidelines.

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APPENDIX A: CHILD SUPPORT WORKSHEET EXAMPLE

	vs. Plaintiff			Civil no.								
	Defendant											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;">Children</td> <td style="width: 25%; text-align: center;">Date of Birth</td> <td style="width: 25%; text-align: center;">Children</td> <td style="width: 25%; text-align: center;">Date of Birth</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>					Children	Date of Birth	Children	Date of Birth				
Children	Date of Birth	Children	Date of Birth									
		Mother	Father	Combined								
1. Monthly Actual Income-Before Taxes a. Minus pre-existing child support payment actually paid b. Minus alimony actually paid c. Plus/minus alimony awarded in this case												
2. Monthly Adjusted Actual Income												
3. Percentage of Shared Income Apply line 2 combined to Child Support Schedule												
4. Basic Child Support Obligation a. Work-Related Child care expenses Code FL, 12-204(g) b. Health Insurance Expenses Code FL, 12-204(h)(1) c. Extraordinary Medical Expenses Code FL, 12-204(h)(2) d. Cash Medical Support, Code, FL, 12-102(c)(3)(ii) e. Additional Expenses												
5. Total Child Support Obligation												
6. Each Parents Child Support Obligation (line 3 times line 5)												
7. Recommended Child Support Obligation a. Income apportioned credit/debit from line 4.												
8. Recommended Child Support Order												

Comments or special adjustments, including any adjustment for certain third party benefits paid to or for the child of an obligor who is disabled, retired, or receiving benefits as a result of a compensable claim (see Code, Family Law Article, §12-204 (j)).

Prepared by:

Date:

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STATE AND JURISDICTIONAL PROFILES

1. Maryland
2. Allegany County
3. Anne Arundel County*
4. Baltimore City
5. Baltimore County
6. Calvert County*
7. Caroline County
8. Carroll County
9. Cecil County
10. Charles County*
11. Dorchester County
12. Frederick County
13. Garrett County*
14. Harford County
15. Howard County
16. Kent County*
17. Montgomery County
18. Prince George's County
19. Queen Anne's County*
20. St. Mary's County
21. Somerset County*
22. Talbot County
23. Washington County
24. Wicomico County
25. Worcester County*

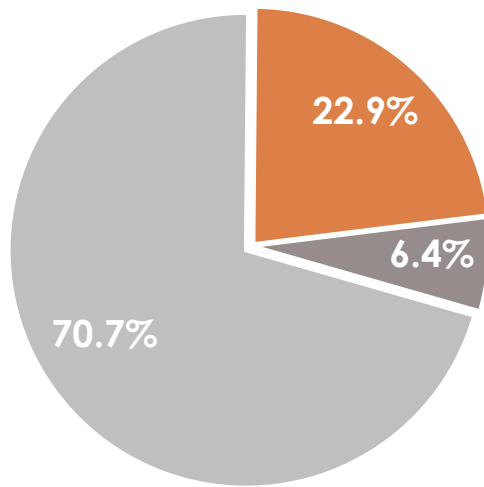
*Some percentages may not add to 100% due to rounding.

MARYLAND

Child Support Guidelines Review, 2011 – 2014

23%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 5,287 orders

Support Order Characteristics

New Orders: 72%

Modifications: 29%

Average: \$446

Median: \$357

Range: \$9 - \$3,927

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 18%

Noncustodial: 25%

Combined Adjusted Monthly Income

Average: \$4,475

Median: \$3,547

Range: \$100 - \$36,450

Deviation Characteristics

Upward: 2.9%

Average Amount: \$122

Downward: 19.9%

Average Amount: \$157

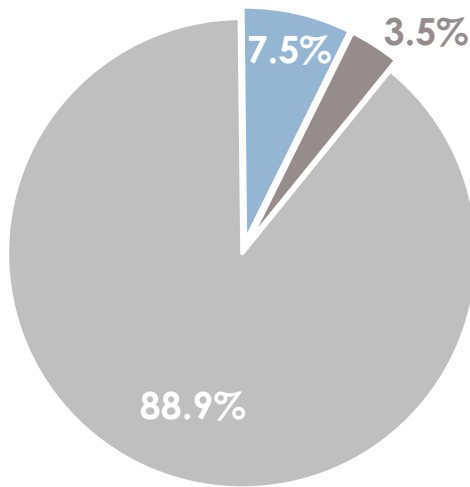
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

ALLEGANY

Child Support Guidelines Review, 2011 – 2014

8%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 226 orders

Support Order Characteristics

New Orders: 59%

Modifications: 41%

Average: \$417

Median: \$335

Range: \$16 - \$2,173

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 31%

Noncustodial: 24%

Combined Adjusted Monthly Income

Average: \$3,896

Median: \$3,433

Range: \$667 - \$17,823

Deviation Characteristics

Upward: 1.3%

Average Amount: \$103

Downward: 6.2%

Average Amount: \$162

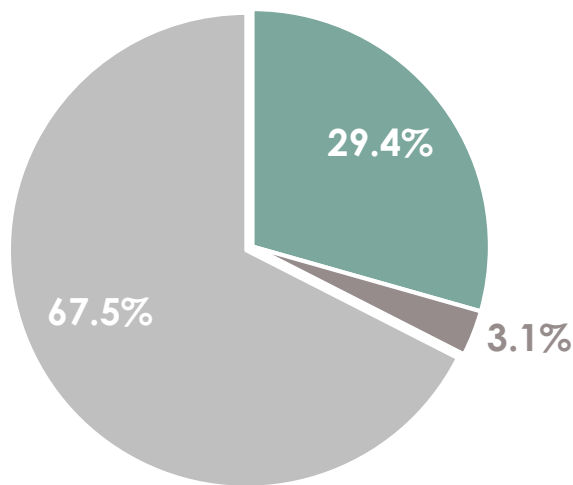
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

ANNE ARUNDEL

Child Support Guidelines Review, 2011 – 2014

29%

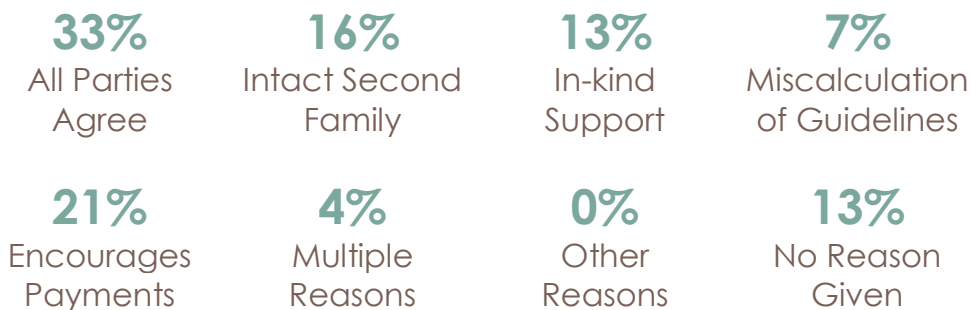
of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 255 orders

Support Order Characteristics

New Orders: 67%

Modifications: 33%

Average: \$546

Median: \$465

Range: \$58 - \$2,504

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 20%

Noncustodial: 16%

Combined Adjusted Monthly Income

Average: \$5,308

Median: \$4,313

Range: \$448 - \$19,709

Deviation Characteristics

Upward: 7.1%

Average Amount: \$131

Downward: 22.4%

Average Amount: \$102

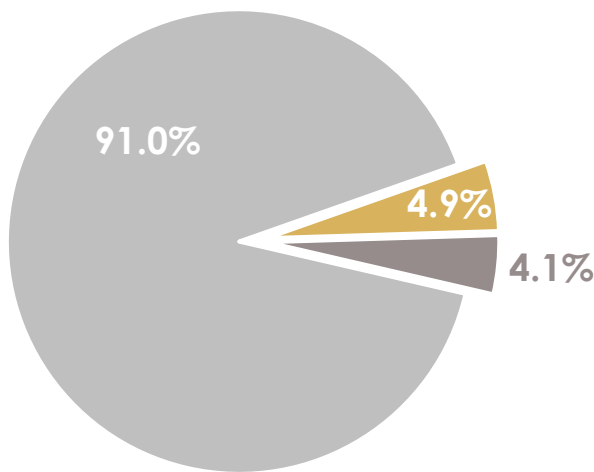
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

BALTIMORE CITY

Child Support Guidelines Review, 2011 – 2014

5%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

Miscalculation of Guidelines

was the most common reason for deviating from the recommended guidelines



Sample Size: 266 orders

Support Order Characteristics

New Orders: 93%

Modifications: 7%

Average: \$333

Median: \$243

Range: \$38 - \$1,413

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 34%

Noncustodial: 48%

Combined Adjusted Monthly Income

Average: \$3,167

Median: \$2,514

Range: \$146 - \$12,789

Deviation Characteristics

Upward: 1.1%

Average Amount: \$146

Downward: 3.8%

Average Amount: \$141

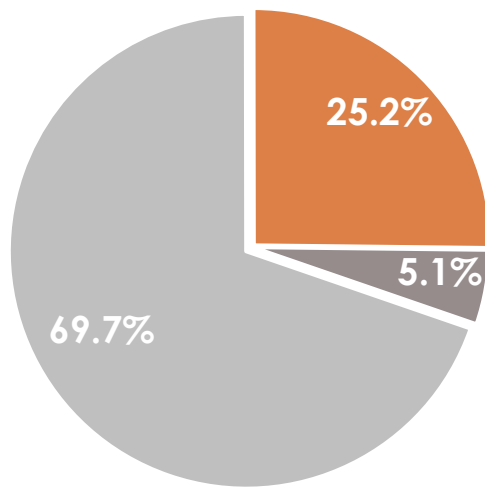
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

BALTIMORE COUNTY

Child Support Guidelines Review, 2011 – 2014

25%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 254 orders

Support Order Characteristics

New Orders: 83%

Modifications: 17%

Average: \$473

Median: \$417

Range: \$36 - \$1,819

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 15%

Noncustodial: 23%

Combined Adjusted Monthly Income

Average: \$4,745

Median: \$4,152

Range: \$600 - \$14,236

Deviation Characteristics

Upward: 2.4%

Average Amount: \$81

Downward: 22.8%

Average Amount: \$148

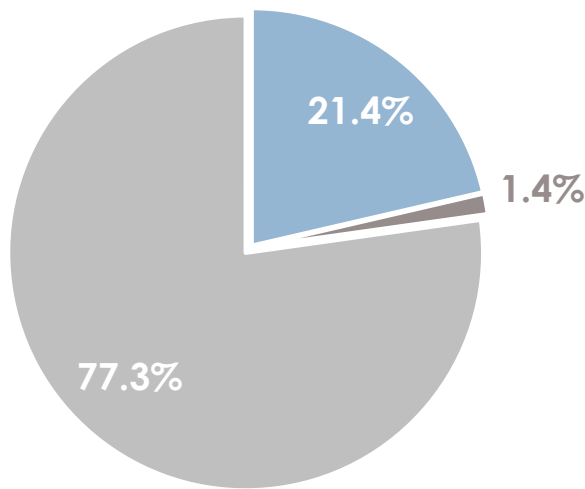
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

CALVERT

Child Support Guidelines Review, 2011 – 2014

21%

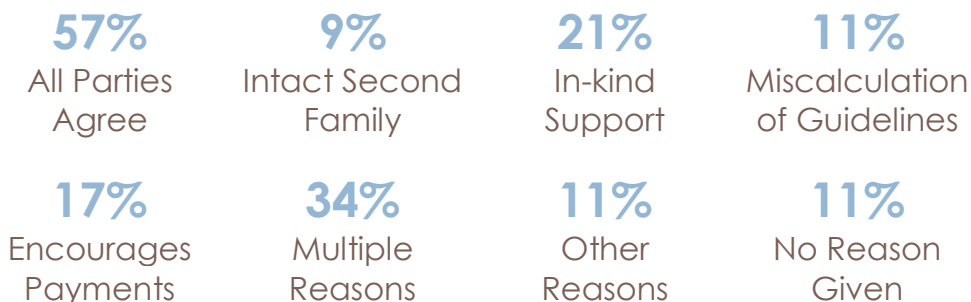
of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

Sample Size: 220 orders

Support Order Characteristics

New Orders: 79%

Modifications: 21%

Average: \$468

Median: \$364

Range: \$25 - \$1,762

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 3%

Noncustodial: 34%

Combined Adjusted Monthly Income

Average: \$3,814

Median: \$3,058

Range: \$163 - \$14,090

Deviation Characteristics

Upward: 3.6%

Average Amount: \$104

Downward: 17.7%

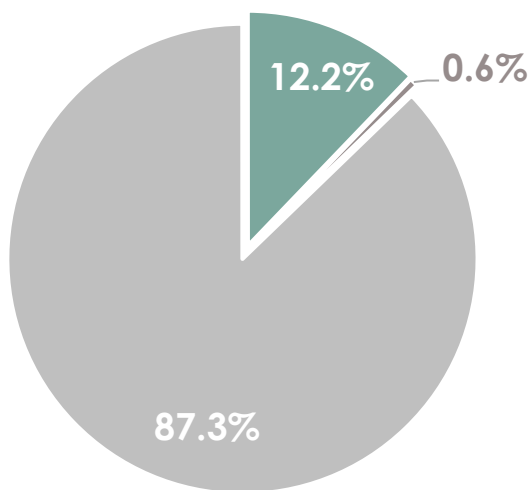
Average Amount: \$180

CAROLINE

Child Support Guidelines Review, 2011 – 2014

12%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

In-kind Support

was the most common reason for deviating from the recommended guidelines



Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

Sample Size: 181 orders

Support Order Characteristics

New Orders: 99%

Modifications: 1%

Average: \$377

Median: \$325

Range: \$50 - \$2,079

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 45%

Noncustodial: 53%

Combined Adjusted Monthly Income

Average: \$3,252

Median: \$2,511

Range: \$711 - \$10,900

Deviation Characteristics

Upward: 1.7%

Average Amount: \$83

Downward: 10.5%

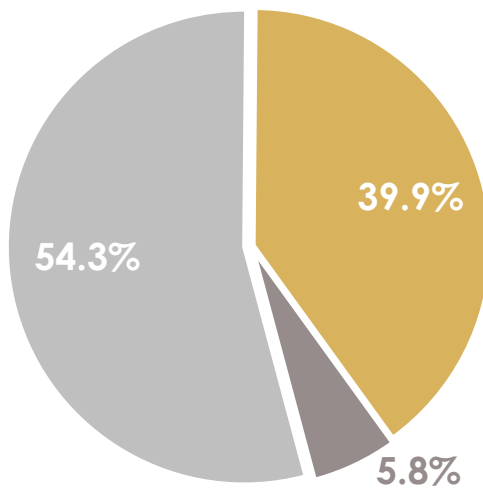
Average Amount: \$188

CARROLL

Child Support Guidelines Review, 2011 – 2014

40%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

Encourages Payments

was the most common reason for deviating from the recommended guidelines

8%	1%	3%	6%
All Parties Agree	Intact Second Family	In-kind Support	Miscalculation of Guidelines
45%	1%	2%	37%
Encourages Payments	Multiple Reasons	Other Reasons	No Reason Given

Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding. This profile was updated in the online version to reflect the most common reason for a deviation.

Sample Size: 223 orders

Support Order Characteristics

New Orders: 68%
 Modifications: 32%
 Average: \$460
 Median: \$380
 Range: \$20 - \$3,274

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 9%
 Noncustodial: 12%

Combined Adjusted Monthly Income

Average: \$4,501
 Median: \$3,679
 Range: \$325 - \$36,450

Deviation Characteristics

Upward: 2.2%
 Average Amount: \$73

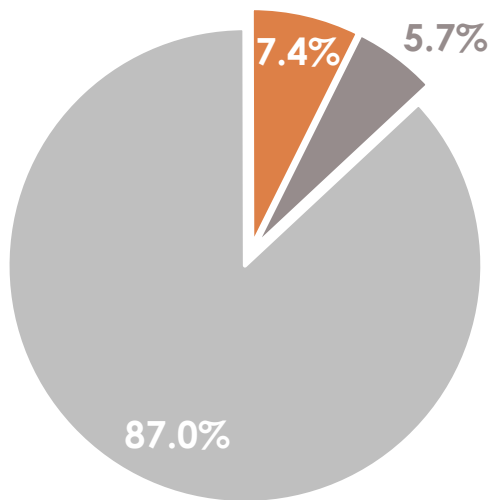
Downward: 37.7%
 Average Amount: \$183

CECIL

Child Support Guidelines Review, 2011 – 2014

7%

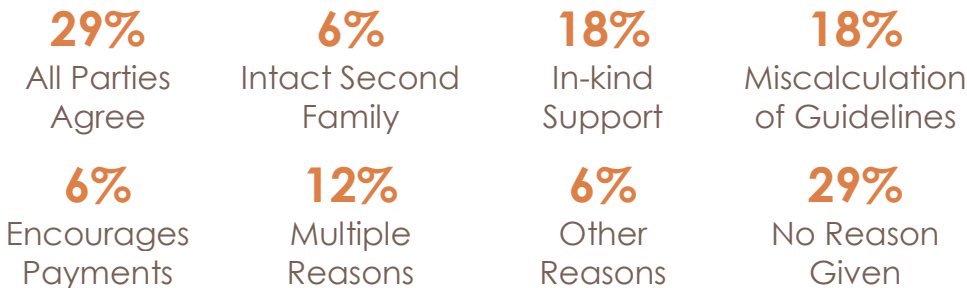
of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 230 orders

Support Order Characteristics

New Orders: 66%

Modifications: 34%

Average: \$474

Median: \$370

Range: \$65 - \$3,269

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 16%

Noncustodial: 32%

Combined Adjusted Monthly Income

Average: \$4,234

Median: \$3,403

Range: \$521 - \$16,386

Deviation Characteristics

Upward: 0%

Average Amount: --

Downward: 7.4%

Average Amount: \$151

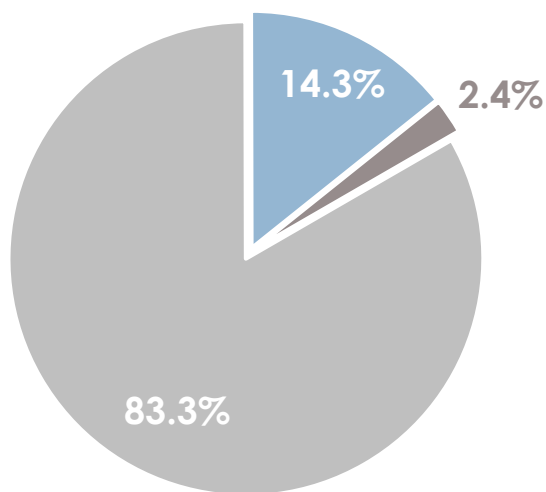
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

CHARLES

Child Support Guidelines Review, 2011 – 2014

14%

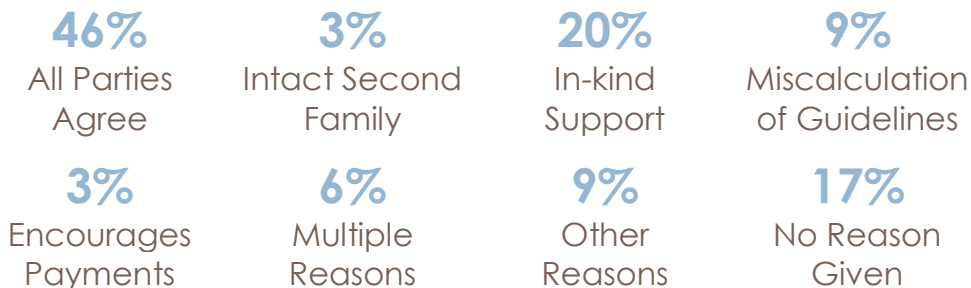
of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 245 orders

Support Order Characteristics

New Orders: 68%

Modifications: 32%

Average: \$507

Median: \$418

Range: \$50 - \$1,941

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 14%

Noncustodial: 18%

Combined Adjusted Monthly Income

Average: \$5,370

Median: \$4,443

Range: \$571 - \$16,968

Deviation Characteristics

Upward: 2.4%

Average Amount: \$107

Downward: 11.8%

Average Amount: \$176

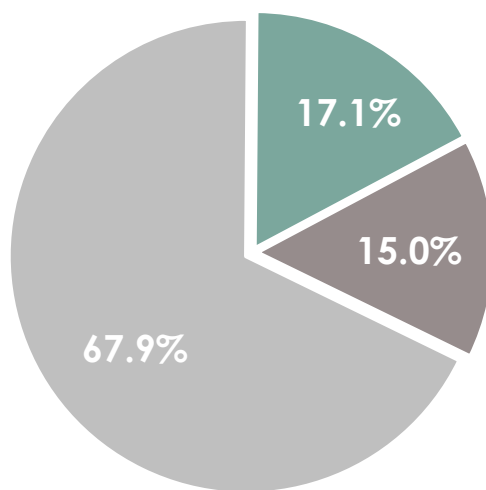
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

DORCHESTER

Child Support Guidelines Review, 2011 – 2014

17%

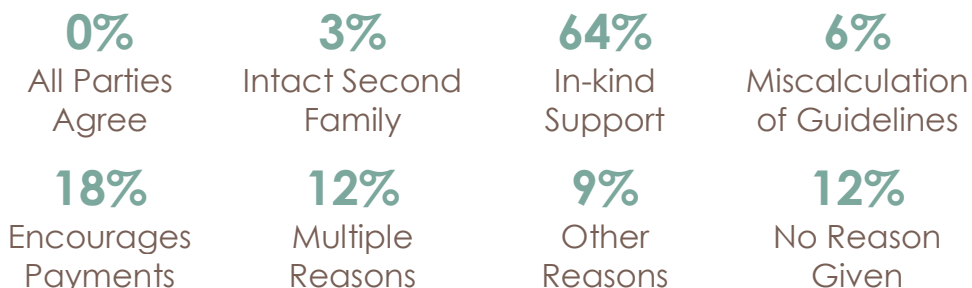
of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

In-kind Support

was the most common reason for deviating from the recommended guidelines



Sample Size: 193 orders

Support Order Characteristics

New Orders: 82%

Modifications: 18%

Average: \$299

Median: \$241

Range: \$9 - \$1,984

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 33%

Noncustodial: 33%

Combined Adjusted Monthly Income

Average: \$2,905

Median: \$2,512

Range: \$161 - \$11,384

Deviation Characteristics

Upward: 0%

Average Amount: --

Downward: 17.1%

Average Amount: \$172

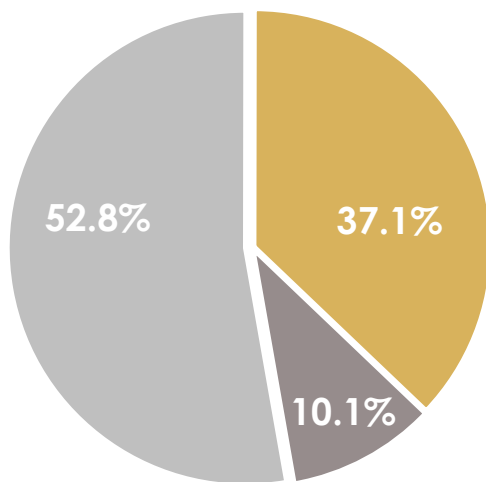
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

FREDERICK

Child Support Guidelines Review, 2011 – 2014

37%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 248 orders

Support Order Characteristics

New Orders: 46%

Modifications: 54%

Average: \$483

Median: \$374

Range: \$10 - \$2,135

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 12%

Noncustodial: 22%

Combined Adjusted Monthly Income

Average: \$4,511

Median: \$3,758

Range: \$361 - \$17,464

Deviation Characteristics

Upward: 4.0%

Average Amount: \$59

Downward: 33.1%

Average Amount: \$156

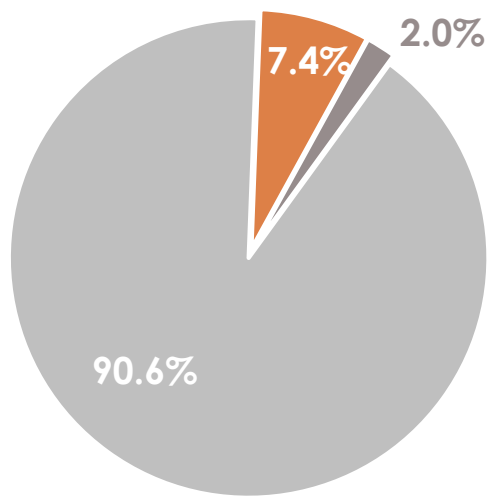
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

GARRETT

Child Support Guidelines Review, 2011 – 2014

7%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree & Miscalculation of Guidelines

were the most common reasons for deviating from the recommended guidelines

18% All Parties Agree	0% Intact Second Family	0% In-kind Support	18% Miscalculation of Guidelines
0% Encourages Payments	0% Multiple Reasons	0% Other Reasons	64% No Reason Given

Sample Size: 149 orders

Support Order Characteristics

New Orders: 78%

Modifications: 22%

Average: \$462

Median: \$392

Range: \$20 - \$1,575

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 33%

Noncustodial: 12%

Combined Adjusted Monthly Income

Average: \$3,799

Median: \$3,405

Range: \$500 - \$13,334

Deviation Characteristics

Upward: 1.3%

Average Amount: \$188

Downward: 6.0%

Average Amount: \$108

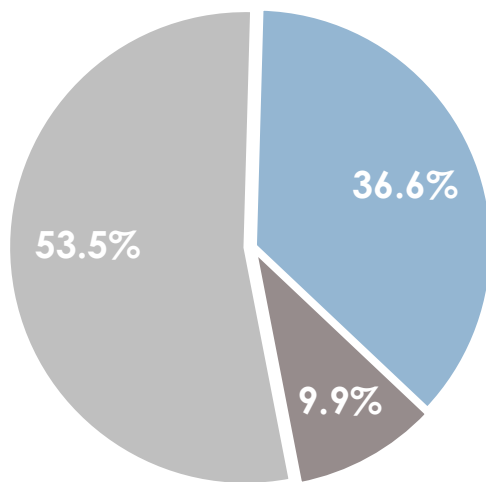
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

HARFORD

Child Support Guidelines Review, 2011 – 2014

37%

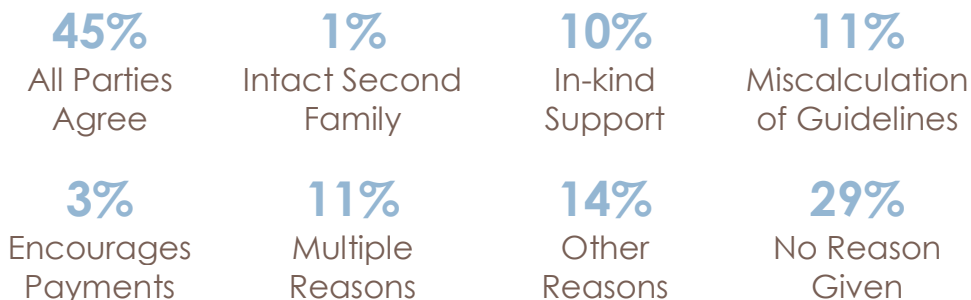
of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

Sample Size: 243 orders

Support Order Characteristics

New Orders: 67%

Modifications: 33%

Average: \$433

Median: \$353

Range: \$20 - \$3,927

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 12%

Noncustodial: 15%

Combined Adjusted Monthly Income

Average: \$4,243

Median: \$3,252

Range: \$157 - \$21,889

Deviation Characteristics

Upward: 5.3%

Average Amount: \$62

Downward: 31.3%

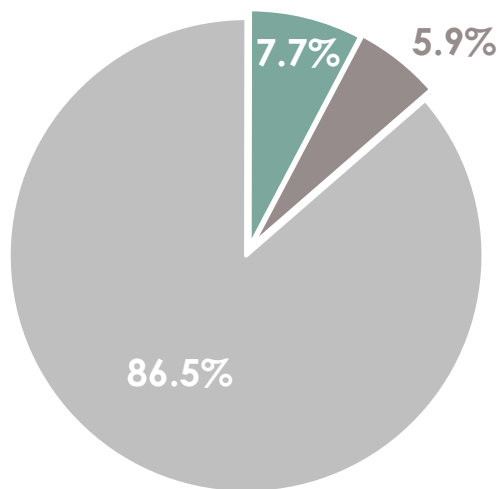
Average Amount: \$149

HOWARD

Child Support Guidelines Review, 2011 – 2014

8%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

Miscalculation of Guidelines

was the most common reason for deviating from the recommended guidelines



Sample Size: 222 orders

Support Order Characteristics

New Orders: 77%

Modifications: 23%

Average: \$594

Median: \$478

Range: \$95 - \$2,847

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 5%

Noncustodial: 7%

Combined Adjusted Monthly Income

Average: \$5,839

Median: \$4,694

Range: \$780 - \$21,716

Deviation Characteristics

Upward: 3.6%

Average Amount: \$93

Downward: 4.1%

Average Amount: \$365

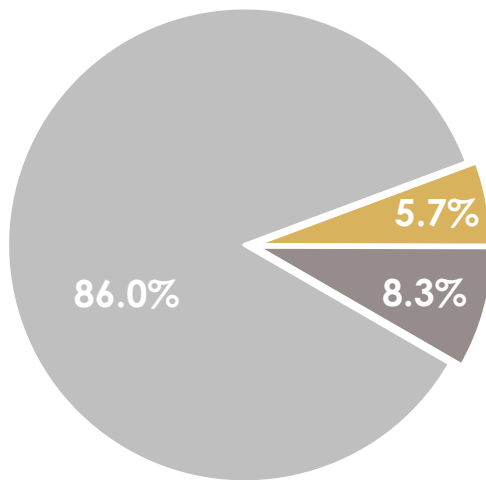
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

KENT

Child Support Guidelines Review, 2011 – 2014

6%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

Miscalculation of Guidelines

was the most common reason for deviating from the recommended guidelines

0% All Parties Agree	0% Intact Second Family	11% In-kind Support	33% Miscalculation of Guidelines
11% Encourages Payments	0% Multiple Reasons	0% Other Reasons	44% No Reason Given

Sample Size: 157 orders

Support Order Characteristics

New Orders: 73%

Modifications: 27%

Average: \$406

Median: \$321

Range: \$59 - \$1,697

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 10%

Noncustodial: 22%

Combined Adjusted Monthly Income

Average: \$3,486

Median: \$2,990

Range: \$447 - \$15,159

Deviation Characteristics

Upward: 1.3%

Average Amount: \$19

Downward: 4.5%

Average Amount: \$138

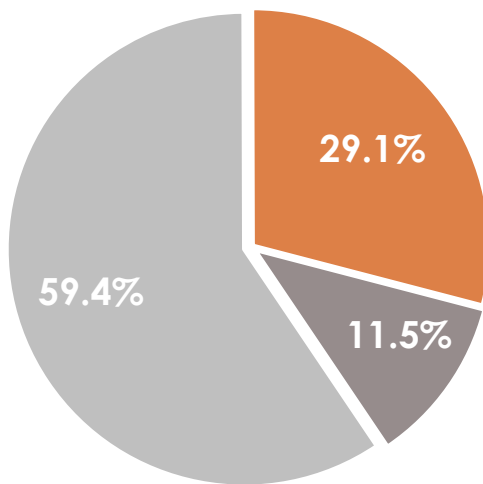
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

MONTGOMERY

Child Support Guidelines Review, 2011 – 2014

29%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

In-kind Support

was the most common reason for deviating from the recommended guidelines

11%

All Parties Agree

7%

Intact Second Family

15%

In-kind Support

12%

Miscalculation of Guidelines

4%

Encourages Payments

0%

Multiple Reasons

0%

Other Reasons

54%

No Reason Given

Sample Size: 261 orders

Support Order Characteristics

New Orders: 72%

Modifications: 28%

Average: \$479

Median: \$400

Range: \$25 - \$2,051

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 7%

Noncustodial: 12%

Combined Adjusted Monthly Income

Average: \$4,544

Median: \$3,527

Range: \$100 - \$19,497

Deviation Characteristics

Upward: 5.0%

Average Amount: \$128

Downward: 24.1%

Average Amount: \$154

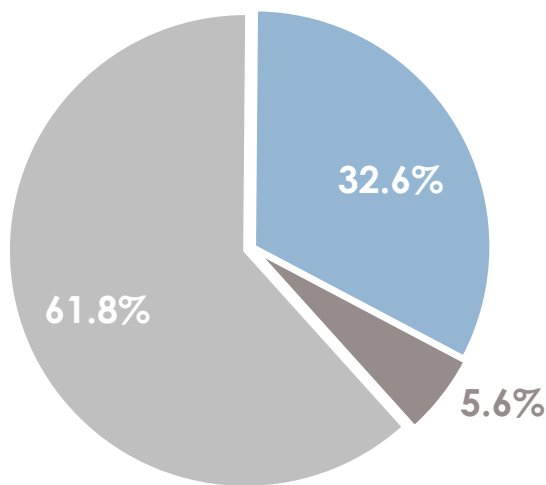
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

PRINCE GEORGE'S

Child Support Guidelines Review, 2011 – 2014

33%

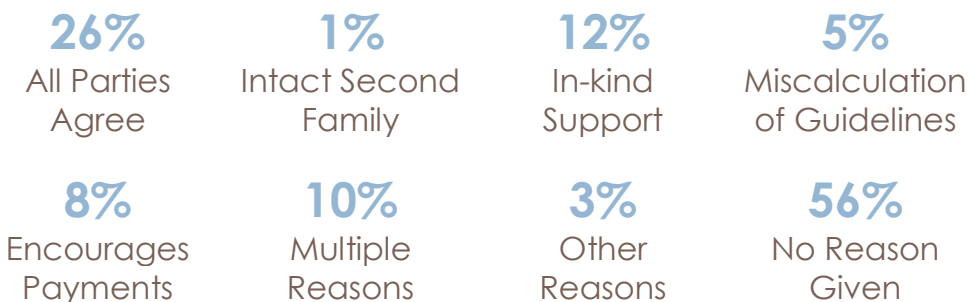
of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

Sample Size: 267 orders

Support Order Characteristics

New Orders: 62%

Modifications: 38%

Average: \$496

Median: \$400

Range: \$23 - \$2,000

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 17%

Noncustodial: 23%

Combined Adjusted Monthly Income

Average: \$5,615

Median: \$4,604

Range: \$550 - \$22,017

Deviation Characteristics

Upward: 2.6%

Average Amount: \$201

Downward: 30.0%

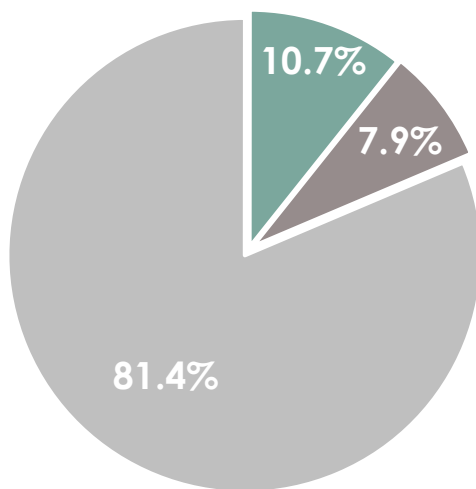
Average Amount: \$183

QUEEN ANNE'S

Child Support Guidelines Review, 2011 – 2014

11%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

Miscalculation of Guidelines

was the most common reason for deviating from the recommended guidelines



Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

Sample Size: 177 orders

Support Order Characteristics

New Orders: 73%

Modifications: 27%

Average: \$502

Median: \$429

Range: \$50 - \$2,225

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 5%

Noncustodial: 12%

Combined Adjusted Monthly Income

Average: \$4,992

Median: \$4,000

Range: \$105 - \$20,700

Deviation Characteristics

Upward: 2.3%

Average Amount: \$74

Downward: 8.5%

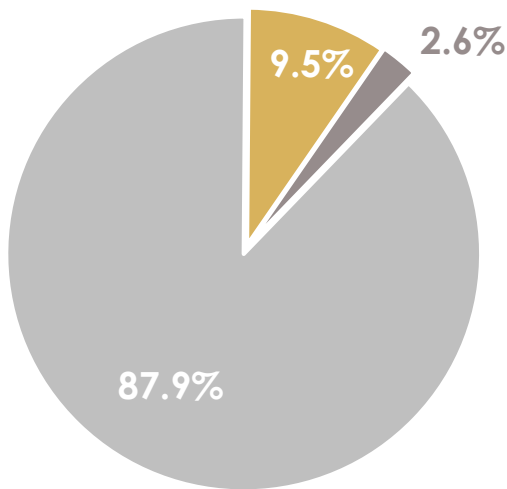
Average Amount: \$221

ST. MARY'S

Child Support Guidelines Review, 2011 – 2014

10%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 232 orders

Support Order Characteristics

New Orders: 64%

Modifications: 36%

Average: \$437

Median: \$345

Range: \$29 - \$1,611

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 29%

Noncustodial: 38%

Combined Adjusted Monthly Income

Average: \$4,464

Median: \$3,196

Range: \$672 - \$20,671

Deviation Characteristics

Upward: 1.7%

Average Amount: \$144

Downward: 7.8%

Average Amount: \$281

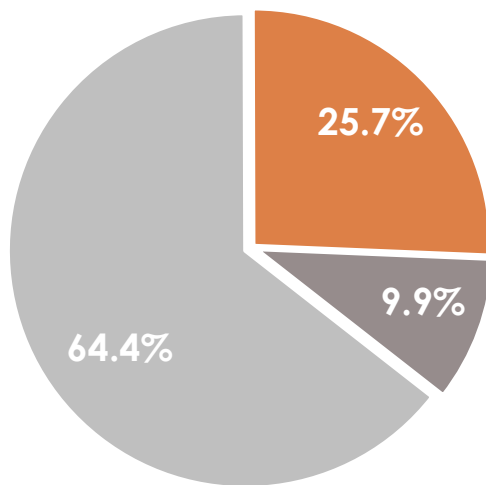
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

SOMERSET

Child Support Guidelines Review, 2011 – 2014

26%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

Miscalculation of Guidelines

was the most common reason for deviating from the recommended guidelines



Sample Size: 191 orders

Support Order Characteristics

New Orders: 83%

Modifications: 17%

Average: \$279

Median: \$239

Range: \$50 - \$1,043

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 47%

Noncustodial: 61%

Combined Adjusted Monthly Income

Average: \$2,565

Median: \$2,513

Range: \$306 - \$8,071

Deviation Characteristics

Upward: 1.0%

Average Amount: \$21

Downward: 24.6%

Average Amount: \$60

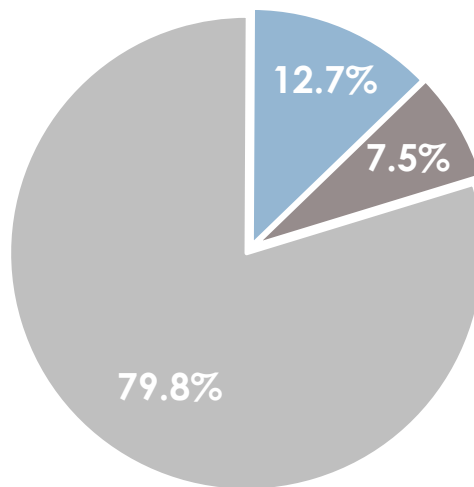
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

TALBOT

Child Support Guidelines Review, 2011 – 2014

13%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

Sample Size: 173 orders

Support Order Characteristics

New Orders: 61%

Modifications: 39%

Average: \$393

Median: \$335

Range: \$20 - \$1,187

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 8%

Noncustodial: 9%

Combined Adjusted Monthly Income

Average: \$3,405

Median: \$2,990

Range: \$346 - \$11,167

Deviation Characteristics

Upward: 2.9%

Average Amount: \$40

Downward: 9.8%

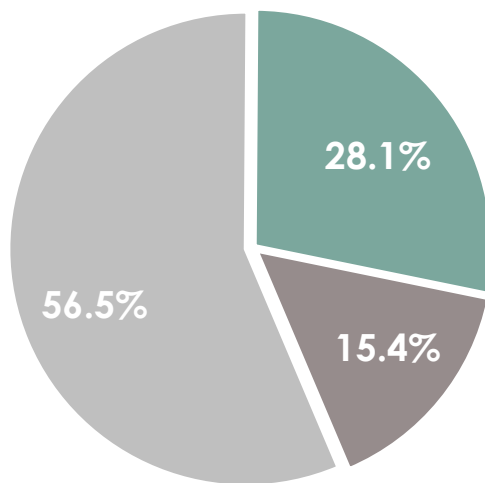
Average Amount: \$140

WASHINGTON

Child Support Guidelines Review, 2011 – 2014

28%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines



Sample Size: 253 orders

Support Order Characteristics

New Orders: 58%

Modifications: 42%

Average: \$336

Median: \$250

Range: \$23 - \$1,886

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 3%

Noncustodial: 5%

Combined Adjusted Monthly Income

Average: \$3,579

Median: \$2,992

Range: \$545 - \$16,152

Deviation Characteristics

Upward: 3.2%

Average Amount: \$89

Downward: 24.9%

Average Amount: \$101

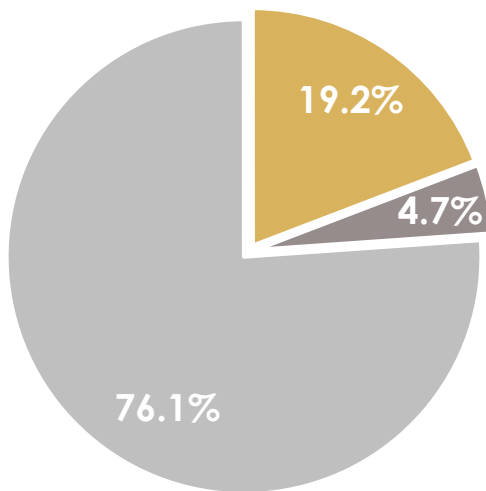
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

WICOMICO

Child Support Guidelines Review, 2011 – 2014

19%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines

47%

All Parties Agree

0%

Intact Second Family

4%

In-kind Support

2%

Miscalculation of Guidelines

27%

Encourages Payments

0%

Multiple Reasons

2%

Other Reasons

18%

No Reason Given

Sample Size: 234 orders

Support Order Characteristics

New Orders: 73%

Modifications: 27%

Average: \$323

Median: \$293

Range: \$40 - \$1,200

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 36%

Noncustodial: 42%

Combined Adjusted Monthly Income

Average: \$2,977

Median: \$2,566

Range: \$577 - \$8,096

Deviation Characteristics

Upward: 0.4%

Average Amount: \$37

Downward: 18.8%

Average Amount: \$132

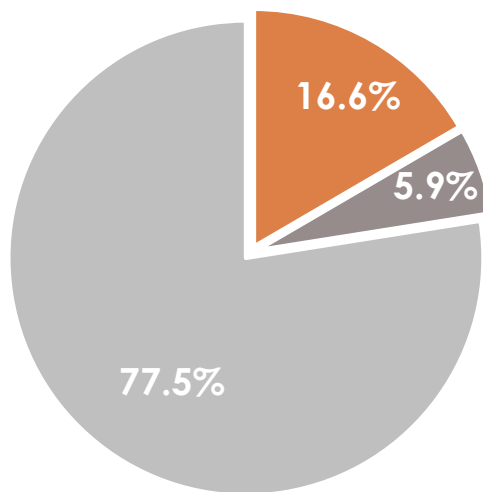
Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.

WORCESTER

Child Support Guidelines Review, 2011 – 2014

17%

of child support orders deviated from the recommended guidelines



■ No Deviation ■ Deviation ■ Discretionary

All Parties Agree

was the most common reason for deviating from the recommended guidelines

55%

All Parties Agree

0%

Intact Second Family

0%

In-kind Support

19%

Miscalculation of Guidelines

3%

Encourages Payments

0%

Multiple Reasons

0%

Other Reasons

23%

No Reason Given

Sample Size: 187 orders

Support Order Characteristics

New Orders: 85%

Modifications: 16%

Average: \$317

Median: \$264

Range: \$46 - \$1,101

Imputed Income

Parents with income imputed to full-time minimum wage

Custodial: 32%

Noncustodial: 39%

Combined Adjusted Monthly Income

Average: \$2,791

Median: \$2,514

Range: \$442 - \$12,633

Deviation Characteristics

Upward: 1.1%

Average Amount: \$62

Downward: 15.5%

Average Amount: \$125

Note: Orders can deviate for more than one reason, so deviation reasons may not add to 100%. Additional percentages may not add to 100% due to rounding.



525 W. Redwood Street
Baltimore, MD 21201
410-706-2479
www.familywelfare.umaryland.edu