

DATE: February 6, 2020

BILL NUMBER: HB 269 **COMMITTEE:** Judiciary

BILL TITLE: Child Support-Shared Physical Custody

DHS POSITION: Support

PRESENTED BY: Kevin P. Guistwite, Executive Director
Child Support Administration
Department of Human Services

Good afternoon, Chairman Clippinger, Vice Chair Atterbeary and Members of the Committee. I am Kevin Guistwite, Executive Director for the Child Support Administration (CSA) within the Maryland Department of Human Services. Thank you for the opportunity to testify in support of House Bill (HB) 269.

This legislation received a favorable report by the Judiciary Committee and passed unanimously by the House of Delegates during the 2019 session as House Bill 731. HB 269 helps to remedy a systemic concern in how child support obligations are calculated in Maryland. When parents have shared physical custody, the child support obligation is adjusted differently than in sole custody situations. Currently, these differing adjustment methods result in a precipitous drop, or “cliff effect”, from the amount of child support owed by a parent who has the child for 127 total overnight stays during the year (just below the current shared custody threshold) to the amount owed by a parent who has 128 overnight stays. The addition of just one or two overnight stays per year can have an enormous impact on the amount of child support owed. This leads to conflict between parents that can have a detrimental impact on the interests of the child involved.

The Maryland Child Support Guidelines Advisory Committee, formed in July 2017, carefully reviewed the shared physical custody adjustment and recommends this solution to the Maryland General Assembly. HB 269 will amend Family Law Article 12-201 to define “shared physical custody adjustments” for child support cases when a parent keeps the child overnight for more than 25% (at least 92 overnight stays) but less than 30% (not more than 109 overnights) of the year.

Leveling out the cliff effect in child support amounts will allow parents to focus on the best interest of their child rather than focusing on the financial implications under the current guidelines. Further, passage of HB 269 will reduce disputes and litigation over shared physical custody because one or two extra overnights per year will no longer result in a significant change in the support obligation.

For these reasons, I strongly urge a favorable report by the Committee for HB 269. Thank you for the opportunity to testify in support of this bill and I am happy to answer any questions you may have.