

Chapter 142

(House Bill 269)

AN ACT concerning

Child Support – Shared Physical Custody

FOR the purpose of establishing a certain formula for the calculation of a certain child support obligation under the child support guidelines when a parent with shared physical custody keeps the child or children overnight a certain number of times in a year; altering a certain definition; defining a certain term; providing for the application of this Act; and generally relating to child support.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 12–201(a), (d), and (e) and 12–204(a)(1) and (f)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 12–201(n) and 12–204(m)
Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to
Article – Family Law
Section 12–201(o)
Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Family Law

12–201.

(a) In this subtitle the following words have the meanings indicated.

(d) “Adjusted basic child support obligation” means an adjustment of the basic child support obligation for shared physical custody.

(e) “Basic child support obligation” means the base amount due for child support based on the combined adjusted actual incomes of both parents.

(n) (1) “Shared physical custody” means that each parent keeps the child or children overnight for more than [35%] **25%** of the year and that both parents contribute to the expenses of the child or children in addition to the payment of child support.

(2) Subject to paragraph (1) of this subsection, the court may base a child support award on shared physical custody:

- (i) solely on the amount of visitation awarded; and
- (ii) regardless of whether joint custody has been granted.

(O) “SHARED PHYSICAL CUSTODY ADJUSTMENT” MEANS THE ADJUSTMENT MADE TO A THEORETICAL ADJUSTED BASIC CHILD SUPPORT OBLIGATION IN A SHARED PHYSICAL CUSTODY CASE WHEN A PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR.

12–204.

(a) (1) The basic child support obligation shall be determined in accordance with the schedule of basic child support obligations in subsection (e) of this section. The basic child support obligation shall be divided between the parents in proportion to their adjusted actual incomes.

(f) The adjusted basic child support obligation shall be determined by multiplying the basic child support obligation by one and one-half.

(m) (1) In cases of shared physical custody, the adjusted basic child support obligation shall first be divided between the parents in proportion to their respective adjusted actual incomes.

(2) **(I)** Each parent’s share of the adjusted basic child support obligation shall then be multiplied by the percentage of time the child or children spend with the other parent to determine the theoretical basic child support obligation owed to the other parent.

(II) 1. WHEN A PARENT WITH SHARED PHYSICAL CUSTODY KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR, THAT PARENT’S THEORETICAL BASIC CHILD SUPPORT OBLIGATION SHALL BE INCREASED BY THE AMOUNT OF THE SHARED PHYSICAL CUSTODY ADJUSTMENT SPECIFIED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.

2. THE SHARED PHYSICAL CUSTODY ADJUSTMENT SHALL BE CALCULATED BY MULTIPLYING THE THEORETICAL BASIC CHILD SUPPORT