

Changes in Maryland's child support guidelines



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DMX was in the news last week after his untimely passing, but it was not his first time gracing Maryland headlines. In the early 2000s, a Maryland resident sued him for child support and paternity. He would later face additional lawsuits and incarceration for failing to pay child support to his other children from different partners.

Of course, DMX is not the only celebrity to be accused, sued or incarcerated for missed child support. He joins Batman's Val Kilmer, whose ex-wife placed a lien on his property due to missed payments; Dennis Rodman, who had to complete 100 hours of community service for his failures to pay; and Bristol Palin's former partner, Levi Johnston, among many others.

A common refrain among these celebrities is that their child support payments are too high. Charlie Sheen,

with an estimated net worth of 10 million, sued to lower child support, while reality tabloid star Jon Gosselin complained that he could not pay both rent and child support.

Potshots at celebrities aside, the ability of a parent to pay child support is an important consideration that the 2020 and 2021 updates to Maryland's child support laws are meant to address.

Readers are already familiar with the October 2020 shift from 128 to 92 overnights to be considered shared physical custody and included in the child support guidelines calculation.

With that in mind, there are several other updates in 2021 to keep your eye on, including establishment of a Self-Support Reserve for low-income parents and a No Support Order.

Presently, Maryland's guidelines schedule provides recommended support obligations at income levels between \$100-\$15,000. Under this regime, very low-income individuals did not have a basic support amount provided in the schedule and the court was permitted to use its discretion in calculating a child support award.

Beginning October 2021, the guidelines schedule will provide specific basic support obligations at income levels between \$0-\$30,000.

Although establishing support obligations for low-income persons, the new guidelines will reflect a Self-Support Reserve (SSR) set at \$1,145/per month. The SSR is the minimum amount of income parents may retain

after paying child support – the amount presumed necessary for a parent to meet his or her own needs.

The SSR will be automatically applied to orders using combined incomes below a certain threshold and gives the court the authority to deviate from the guidelines when the award would leave the obligor with less than \$1,145/per month.

These 2021 updates further permit the court to decline to establish a child support order. The court may consider a No Support Order when the custodial parent contributes to the child's expenses and/or the parent is unemployed or unable to obtain and maintain employment in the foreseeable future and also meets other qualifying factors.

Importantly for parents afraid their former partner will attempt to argue unemployment as a basis for a No Support Order, Maryland recently set out a framework to find voluntary impoverishment and factors the court must consider when determining potential income.

While these updated child support guidelines may not help Brad and Angelina resolve their support issues, they are powerful tools for both Maryland's payor and payee parents. Wise practitioners would do well to counsel their clients on these upcoming changes.

Elizabeth J. McInturff, Esq., a partner at JDkatz, PC, represents clients throughout Maryland and Washington, D.C., in complex family, civil and commercial disputes. For more information, visit www.jdkatz.com.