

September 23, 2009

The Honorable Robert M. Bell,  
Chief Judge  
The Honorable Glenn T. Harrell, Jr.  
The Honorable Lynne A. Battaglia  
The Honorable Clayton Greene, Jr.  
The Honorable Joseph F. Murphy, Jr.  
The Honorable Sally D. Adkins  
The Honorable Mary Ellen Barbera,  
Judges  
The Court of Appeals of Maryland  
Robert C. Murphy Courts of Appeal Building  
Annapolis, Maryland 21401

Your Honors:

The Rules Committee submits this Letter Report, and recommends that the Court adopt, on an emergency basis, the amendments to Rule 9-206 transmitted with it. The purpose of the proposed changes is to conform the Child Support Guidelines Worksheets set forth in sections (c) and (d) of the Rule to statutory changes to Code, Family Law Article, Title 12, made by Chapter 508, Laws of 2009 (SB 70). The bill was passed to comply with federal mandates regarding child support and prevent the loss of federal funds. Its effective date is October 1, 2009.

Because the statutory changes affect the computation of child support awards under the Maryland Child Support Guidelines, the Committee respectfully requests that the Court add to the agenda of the October 5, 2009 open meeting on Rules consideration of the amendments to Rule 9-206.

For the further guidance of the Court and the public, following the Rule as amended is a Reporter's Note describing in further detail the reasons for the proposal and any changes that would be effected in current law or practice. We caution that

the Reporter's Note is not part of the Rule, has not been debated or approved by the Committee, and is not to be regarded as any kind of official comment or interpretation. It is included solely to assist the Court in understanding some of the reasons for the proposed changes.

Respectfully submitted,

Alan M. Wilner  
Chair

Linda M. Schuett  
Vice Chair

AMW/LMS:cdc

MARYLAND RULES OF PROCEDURE  
TITLE 9 - FAMILY LAW ACTIONS  
CHAPTER 200 - DIVORCE, ANNULMENT AND ALIMONY

AMEND Rule 9-206 to add provisions concerning "cash medical support" to the worksheets, as follows:

Rule 9-206. CHILD SUPPORT GUIDELINES

(a) Definitions

The following definitions apply in this Rule:

(1) Shared Physical Custody

"Shared physical custody" has the meaning stated in Code, Family Law Article, §12-201 (i).

(2) Worksheet

"Worksheet" means a document to compute child support under the guidelines set forth in Code, Family Law Article, Title 12, Subtitle 2.

(b) Filing of Worksheet

In an action involving the establishment or modification of child support, each party shall file a worksheet in the form set forth in section (c) or (d) of this Rule. Unless the court directs otherwise, the worksheet shall be filed not later than the date of the hearing on the issue of child support.

Cross reference: See Code, Family Law Article, §12-203 (a) and *Walsh v. Walsh*, 333 Md. 492 (1994).

(c) Primary Physical Custody

Except in cases of shared physical custody, the worksheet shall be in substantially the following form:

\_\_\_\_\_ In the  
\_\_\_\_\_ Circuit Court for \_\_\_\_\_  
v.  
\_\_\_\_\_ No. \_\_\_\_\_

**WORKSHEET A - CHILD SUPPORT OBLIGATION: PRIMARY PHYSICAL CUSTODY**

\_\_\_\_\_  
Name of Child      Date of Birth      Name of Child      Date of Birth  
\_\_\_\_\_  
Name of Child      Date of Birth      Name of Child      Date of Birth  
\_\_\_\_\_  
Name of Child      Date of Birth      Name of Child      Date of Birth

	<u>Mother</u>	<u>Father</u>	<u>Combined</u>
1. MONTHLY ACTUAL INCOME (Before taxes) (Code, Family Law Article, §12-201 (b))	\$	\$	///////// /////////
a. Minus preexisting 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 SHARE OF INCOME Divide each parent's income on line 2 by the combined income on line 2.)			///////// ///////// ///////// /////////
4. BASIC CHILD SUPPORT OBLIGATION (Apply line 2 Combined Income to Child Support Schedule.)	///////// ///////// /////////	///////// ///////// /////////	\$
a. Work-Related Child Care Expenses (Code, Family Law Article, §12-204 (g))	\$	\$	+
b. Health Insurance Expenses (Code, Family Law Article, §12-204 (h) (1))	\$	\$	+
c. Extraordinary Medical Expenses (Code, Family Law Article, §12-204 (h) (2))	\$	\$	+
d. <u>Cash Medical Support</u> <u>(Code, Family Law Article,</u> <u>§12-102 (c) - applies only to</u> <u>a child support order under</u> <u>Title IV, Part D of the Social</u> <u>Security Act)</u>	\$	\$	+
<del>d.</del> e. Additional Expenses (Code, Family Law Article, §12-204 (i))	\$	\$	+
5. TOTAL CHILD SUPPORT OBLIGATION (Add lines 4, 4 a, 4 b, 4 c, and 4 d, and 4 e).	///////// ///////// /////////	///////// ///////// /////////	\$
6. EACH PARENT'S CHILD SUPPORT OBLIGATION (Multiply line 5 by line 3 for each parent.)	\$	\$	///////// ///////// /////////
7. TOTAL DIRECT PAY BY EACH PARENT			/////////



Name of Child      Date of Birth      Name of Child      Date of Birth

Name of Child      Date of Birth      Name of Child      Date of Birth

Name of Child      Date of Birth      Name of Child      Date of Birth

	<u>Mother</u>	<u>Father</u>	<u>Combined</u>
1. MONTHLY ACTUAL INCOME (Before taxes) (Code, Family Law Article, §12-201 (b))	\$	\$	//////// ////////
a. Minus preexisting 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 SHARE OF INCOME (Divide each parent's income on line 2 by the combined income on line 2.)	%	%	//////// //////// //////// ////////
4. BASIC CHILD SUPPORT OBLIGATION (Apply line 2 Combined Income to Child Support Schedule.)	//////// //////// ////////	//////// //////// ////////	\$
5. ADJUSTED BASIC CHILD SUPPORT OBLIGATION (Multiply Line 4 by 1.5)	//////// //////// ////////	//////// //////// ////////	\$
6. OVERNIGHTS with each parent (must total 365)			365

7. PERCENTAGE WITH EACH PARENT (Line 6 divided by 365)	A	%	B	%	//////// ////////
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STOP HERE IF Line 7 is less than 35% for either parent. Shared physical custody does not apply. (Use Worksheet A, instead.)	////////		////////		//////// //////// //////// ////////
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8. EACH PARENT'S THEORETICAL CHILD SUPPORT OBLIGATION (Multiply line 5 by line 3 for each parent.)	A\$		B\$		//////// //////// //////// ////////
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9. BASIC CHILD SUPPORT OBLIGATION FOR TIME WITH OTHER PARENT (Multiply line 8A by line 7B and put answer on Line 9A.) (Multiply line 8B by line 7A and put answer on line 9B.)	A\$		B\$		//////// //////// //////// //////// //////// ////////
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10. NET BASIC CHILD SUPPORT OBLIGATION (Subtract lesser amount from greater amount in line 9 and place answer here under column with greater amount in Line 9.)	\$		\$		//////// //////// //////// //////// //////// ////////
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11. EXPENSES:	////////		////////		
a. Work-Related Child Care Expenses (Code, Family Law Article, §12-204 (g))	////////		////////		//////// //////// //////// //////// //////// //////// +
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b. Health Insurance Expenses (Code, Family Law Article §12-204 (h) (1))	////////		////////		//////// //////// //////// //////// //////// //////// +
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c. Extraordinary Medical Expenses (Code, Family Law Article, §12-204 (h) (2))	////////		////////		//////// //////// //////// //////// //////// //////// +
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result of a compensable claim (see Code, Family Law Article, §12-204 (j)):

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PREPARED BY:

DATE:

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**INSTRUCTIONS FOR WORKSHEET C:** Use Worksheet C ONLY if any of the Expenses listed in lines 11 a, 11 b, 11 c, ~~or~~ 11 d, or 11 e is directly paid out or received by the parents in a different proportion than the percentage share of income entered on line 3 of Worksheet B. Example: If the mother pays all of the day care, or parents split education/medical costs 50/50 and line 3 is other than 50/50. If there is more than one 11 ~~d~~ e expense, the calculations on lines ~~g~~ i and ~~h~~ j below must be made for each expense.

**WORKSHEET C - FOR ADJUSTMENTS, LINE 12, WORKSHEET B**

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	Mother	Father
a. Total amount of direct payments made for Line 11 a expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B) (Proportionate share)	\$	\$
b. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line a, above. (The difference between amount paid and proportionate share)	\$	\$
c. Total amount of direct payments made for Line 11 b expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
d. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line c, above.	\$	\$

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REPORTER'S NOTE

Chapter 508, Laws of 2009 (SB 70) requires the court, under certain circumstances, to order one or both parents to pay "cash medical support," as that term is defined in Code, Family Law Article, §12-102 (a)(6). Under certain other circumstances, the new statute authorizes, but does not require, the court to order the payment of cash medical support. Code, Family Law Article, §12-102 (c)(5) requires that if cash medical support is ordered, the amount of it "shall be added to the basic child support obligation and divided by the parents in proportion to their adjusted actual income."

The Worksheets contained in Rule 9-206 are proposed to be amended to conform to this legislation.