\*\*\* Current through the 2011 Special Session \*\*\*

FAMILY LAW    
TITLE 12.  CHILD SUPPORT    
SUBTITLE 2.  CHILD SUPPORT GUIDELINES

§ 12-201. Definitions   
  
  
   (a) In general. -- In this subtitle the following words have the meanings indicated.  
  
(b) Actual income. --  
  
   (1) "Actual income" means income from any source.  
  
   (2) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "actual income" means gross receipts minus ordinary and necessary expenses required to produce income.  
  
   (3) "Actual income" includes:  
  
      (i) salaries;  
  
      (ii) wages;  
  
      (iii) commissions;  
  
      (iv) bonuses;  
  
      (v) dividend income;  
  
      (vi) pension income;  
  
      (vii) interest income;  
  
      (viii) trust income;  
  
      (ix) annuity income;  
  
      (x) Social Security benefits;  
  
      (xi) workers' compensation benefits;  
  
      (xii) unemployment insurance benefits;  
  
      (xiii) disability insurance benefits;  
  
      (xiv) for the obligor, any third party payment paid to or for a minor child as a result of the obligor's disability, retirement, or other compensable claim;  
  
      (xv) alimony or maintenance received; and  
  
      (xvi) expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business to the extent the reimbursements or payments reduce the parent's personal living expenses.  
  
   (4) Based on the circumstances of the case, the court may consider the following items as actual income:  
  
      (i) severance pay;  
  
      (ii) capital gains;  
  
      (iii) gifts; or  
  
      (iv) prizes.  
  
   (5) "Actual income" does not include benefits received from means-tested public assistance programs, including temporary cash assistance, Supplemental Security Income, food stamps, and transitional emergency, medical, and housing assistance.  
  
(c) Adjusted actual income. -- "Adjusted actual income" means actual income minus:  
  
   (1) preexisting reasonable child support obligations actually paid; and  
  
   (2) except as provided in § 12-204(a)(2) of this subtitle, alimony or maintenance obligations actually paid.  
  
(d) Adjusted basic child support obligation. -- "Adjusted basic child support obligation" means an adjustment of the basic child support obligation for shared physical custody.  
  
(e) Basic child support obligation. -- "Basic child support obligation" means the base amount due for child support based on the combined adjusted actual incomes of both parents.  
  
(f) Combined adjusted actual income. -- "Combined adjusted actual income" means the combined monthly adjusted actual incomes of both parents.  
  
(g) Extraordinary medical expenses. --  
  
   (1) "Extraordinary medical expenses" means uninsured expenses over $ 100 for a single illness or condition.  
  
   (2) "Extraordinary medical expenses" includes uninsured, reasonable, and necessary costs for orthodontia, dental treatment, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders.  
  
(h) Income. -- "Income" means:  
  
   (1) actual income of a parent, if the parent is employed to full capacity; or  
  
   (2) potential income of a parent, if the parent is voluntarily impoverished.  
  
(i) Ordinary and necessary expenses. -- "Ordinary and necessary expenses" does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses or investment tax credits or any other business expenses determined by the court to be inappropriate for determining actual income for purposes of calculating child support.  
  
(j) Obligee. -- "Obligee" means any person who is entitled to receive child support.  
  
(k) Obligor. -- "Obligor" means an individual who is required to pay child support under a court order.  
  
(l) Potential income. -- "Potential income" means income attributed to a parent determined by the parent's employment potential and probable earnings level based on, but not limited to, recent work history, occupational qualifications, prevailing job opportunities, and earnings levels in the community.  
  
(m) Shared physical custody. --  
  
   (1) "Shared physical custody" means that each parent keeps the child or children overnight for more than 35% 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.  
  
**HISTORY:** 1989, ch. 2; 1996, ch. 351, § 4; 2004, ch. 25, § 6; ch. 491; 2007, chs. 35, 36; 2010, chs. 262, 263.

§ 12-202. Use of guidelines; modification of orders; review   
  
  
   (a) Use required; presumptions; departure from guidelines. --  
  
   (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.  
  
   (2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.  
  
      (ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.  
  
      (iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:  
  
         1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and  
  
         2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.  
  
      (iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.  
  
      (v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.  
  
         2. The court's finding shall state:  
  
            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; and  
  
            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.  
  
(b) Modification of orders. -- The adoption or revision of the guidelines set forth in this subtitle is not a material change of circumstance for the purpose of a modification of a child support award.  
  
(c) Review of guidelines. -- On or before January 1, 1993, and at least every 4 years after that date, the Child Support Enforcement Administration of the Department of Human Resources shall:  
  
   (1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and  
  
   (2) report its findings and recommendations to the General Assembly, subject to § 2-1246 of the State Government Article.  
  
**HISTORY:** 1989, ch. 2; 1990, ch. 58; 1997, ch. 635, § 9; ch. 636, § 9; 2000, ch. 121; 2004, chs. 116, 491; 2007, ch. 5; 2010, chs. 262, 263.

§ 12-203. Forms; verification of income   
  
  
   (a) Forms. -- The Court of Appeals may issue standardized worksheet forms to be used in applying the child support guidelines set forth in this subtitle.  
  
(b) Verification of income. --  
  
   (1) Income statements of the parents shall be verified with documentation of both current and past actual income.  
  
   (2) (i) Except as provided in subparagraph (ii) of this paragraph, suitable documentation of actual income includes pay stubs, employer statements otherwise admissible under the rules of evidence, or receipts and expenses if self-employed, and copies of each parent's 3 most recent federal tax returns.  
  
      (ii) If a parent is self-employed or has received an increase or decrease in income of 20% or more in a 1-year period within the past 3 years, the court may require that parent to provide copies of federal tax returns for the 5 most recent years.  
  
**HISTORY:** 1989, ch. 2.

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§ 12-204. Determination of child support obligation   
  
  
   (a) Schedule to be used; division among parents; maintenance and alimony awards. --  
  
   (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.  
  
   (2) (i) If one or both parents have made a request for alimony or maintenance in the proceeding in which a child support award is sought, the court shall decide the issue and amount of alimony or maintenance before determining the child support obligation under these guidelines.  
  
      (ii) If the court awards alimony or maintenance, the amount of alimony or maintenance awarded shall be considered actual income for the recipient of the alimony or maintenance and shall be subtracted from the income of the payor of the alimony or maintenance under § 12-201(c)(2) of this subtitle before the court determines the amount of a child support award.  
  
(b) Voluntarily impoverished parent. --  
  
   (1) Except as provided in paragraph (2) of this subsection, if a parent is voluntarily impoverished, child support may be calculated based on a determination of potential income.  
  
   (2) A determination of potential income may not be made for a parent who:  
  
      (i) is unable to work because of a physical or mental disability; or  
  
      (ii) is caring for a child under the age of 2 years for whom the parents are jointly and severally responsible.  
  
(c) Income between amounts in schedule. -- If a combined adjusted actual income amount falls between amounts shown in the schedule, the basic child support amount shall be extrapolated to the next higher amount.  
  
(d) Income above schedule levels. -- If the combined adjusted actual income exceeds the highest level specified in the schedule in subsection (e) of this section, the court may use its discretion in setting the amount of child support.  
  
(e) Basic child support obligation. -- Schedule of basic child support obligations:  
  
  
 Combined                                                                       
 Adjusted                                                         6 or          
 Actual       1         2          3          4          5        More          
 Income      Child   Children   Children   Children   Children   Children       
100-120                     $ 20 - $ 150 Per Month, Based                       
      0                                                                         
                               On Resources And Living                          
                           Expenses Of Obligor And Number                       
                               Of Children Due Support                          
   1250      162        163        165        167        169        170         
   1300      195        197        199        202        204        206         
   1350      229        231        234        236        239        241         
   1400      262        265        268        271        274        277         
   1450      295        299        302        305        308        312         
   1500      310        330        334        338        341        345         
   1550      319        362        366        370        374        378         
   1600      327        394        398        402        407        411         
   1650      336        425        430        435        439        444         
   1700      344        457        462        467        472        477         
   1750      353        488        494        499        505        510         
   1800      361        520        526        532        537        543         
   1850      370        537        558        564        570        576         
   1900      378        550        590        596        603        609         
   1950      387        562        622        629        635        642         
   2000      395        574        654        661        668        675         
   2050      403        586        686        693        701        708         
   2100      412        598        706        726        733        741         
   2150      420        610        720        758        766        774         
   2200      428        622        734        790        799        807         
   2250      437        634        748        823        831        840         
   2300      445        646        761        851        864        873         
   2350      453        657        775        866        897        906         
   2400      462        669        789        882        930        939         
   2450      470        681        803        897        962        972         
   2500      478        693        817        913        995       1005         
   2550      486        705        831        928       1021       1039         
   2600      495        717        845        944       1038       1072         
   2650      503        729        859        959       1055       1105         
   2700      511        741        873        975       1072       1138         
   2750      520        753        886        990       1089       1171         
   2800      528        764        900       1006       1106       1202         
   2850      536        776        914       1021       1123       1221         
   2900      544        788        928       1037       1140       1240         
   2950      553        800        942       1052       1157       1258         
   3000      561        812        956       1068       1175       1277         
   3050      570        825        971       1084       1193       1297         
   3100      578        837        985       1101       1211       1316         
   3150      587        849       1000       1117       1229       1335         
   3200      595        861       1014       1133       1246       1355         
   3250      603        874       1029       1149       1264       1374         
   3300      612        886       1044       1166       1282       1394         
   3350      620        898       1058       1182       1300       1413         
   3400      629        911       1073       1198       1318       1433         
   3450      636        922       1086       1213       1334       1450         
   3500      644        932       1098       1227       1349       1467         
   3550      651        943       1111       1241       1365       1483         
   3600      658        953       1123       1255       1380       1500         
   3650      665        964       1136       1268       1395       1517         
   3700      673        974       1148       1282       1411       1533         
   3750      680        985       1160       1296       1426       1550         
   3800      687        995       1173       1310       1441       1567         
   3850      694       1006       1185       1324       1457       1583         
   3900      702       1016       1198       1338       1472       1600         
   3950      709       1027       1210       1352       1487       1617         
   4000      716       1037       1223       1366       1502       1633         
   4050      723       1048       1235       1379       1517       1649         
   4100      730       1057       1245       1391       1530       1663         
   4150      737       1067       1256       1403       1544       1678         
   4200      744       1076       1267       1416       1557       1693         
   4250      750       1086       1278       1428       1571       1707         
   4300      757       1095       1289       1440       1584       1722         
   4350      764       1105       1300       1452       1597       1736         
   4400      771       1114       1311       1464       1611       1751         
   4450      777       1124       1322       1477       1624       1766         
   4500      784       1133       1333       1489       1638       1780         
   4550      791       1143       1344       1501       1651       1795         
   4600      798       1152       1355       1513       1664       1809         
   4650      804       1162       1366       1525       1678       1824         
   4700      811       1172       1376       1538       1691       1838         
   4750      818       1181       1387       1550       1705       1853         
   4800      825       1191       1398       1562       1718       1868         
   4850      832       1200       1409       1574       1732       1882         
   4900      838       1210       1420       1586       1745       1897         
   4950      845       1219       1431       1599       1758       1911         
   5000      852       1229       1442       1611       1772       1926         
   5050      859       1238       1453       1623       1785       1940         
   5100      865       1248       1464       1635       1799       1955         
   5150      872       1257       1475       1647       1812       1970         
   5200      878       1266       1485       1659       1825       1983         
   5250      885       1275       1495       1670       1837       1997         
   5300      891       1284       1505       1681       1850       2011         
   5350      897       1292       1515       1693       1862       2024         
   5400      903       1301       1526       1704       1875       2038         
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   5550      921       1327       1556       1738       1912       2078         
   5600      927       1336       1566       1749       1924       2092         
   5650      934       1345       1576       1761       1937       2105         
   5700      940       1354       1586       1772       1949       2119         
   5750      946       1362       1597       1783       1962       2132         
   5800      952       1371       1607       1795       1974       2146         
   5850      958       1380       1617       1806       1987       2160         
   5900      964       1388       1627       1817       1999       2173         
   5950      970       1397       1637       1829       2012       2187         
   6000      976       1406       1647       1840       2024       2200         
   6050      983       1415       1658       1851       2037       2214         
   6100      989       1423       1668       1863       2049       2227         
   6150      995       1432       1678       1874       2062       2241         
   6200     1001       1441       1688       1885       2074       2254         
   6250     1007       1450       1698       1897       2086       2268         
   6300     1013       1458       1708       1907       2098       2281         
   6350     1016       1462       1713       1913       2104       2287         
   6400     1020       1467       1717       1918       2110       2294         
   6450     1023       1471       1722       1924       2116       2300         
   6500     1026       1476       1727       1929       2122       2307         
   6550     1030       1480       1732       1935       2128       2313         
   6600     1033       1485       1737       1940       2134       2320         
   6650     1037       1489       1742       1945       2140       2326         
   6700     1040       1494       1747       1951       2146       2333         
   6750     1043       1498       1751       1956       2152       2339         
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   6850     1050       1507       1761       1967       2164       2352         
   6900     1053       1512       1766       1973       2170       2359         
   6950     1057       1517       1771       1978       2176       2365         
   7000     1060       1521       1776       1983       2182       2372         
   7050     1064       1526       1781       1989       2188       2378         
   7100     1067       1530       1785       1994       2194       2385         
   7150     1070       1535       1790       2000       2200       2391         
   7200     1074       1539       1795       2005       2206       2397         
   7250     1077       1544       1800       2010       2211       2404         
   7300     1080       1548       1804       2016       2217       2410         
   7350     1084       1552       1809       2021       2223       2416         
   7400     1087       1556       1814       2026       2228       2422         
   7450     1090       1560       1818       2031       2234       2428         
   7500     1092       1563       1820       2033       2237       2431         
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   7650     1097       1570       1828       2042       2247       2442         
   7700     1099       1573       1831       2045       2250       2445         
   7750     1101       1575       1834       2048       2253       2449         
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   7900     1107       1583       1842       2057       2263       2460         
   7950     1109       1586       1844       2060       2266       2463         
   8000     1111       1588       1847       2063       2269       2467         
   8050     1113       1591       1849       2066       2272       2470         
   8100     1115       1593       1852       2069       2276       2474         
   8150     1117       1596       1855       2072       2279       2477         
   8200     1119       1598       1857       2075       2282       2481         
   8250     1121       1601       1860       2078       2285       2484         
   8300     1123       1603       1863       2081       2289       2488         
   8350     1125       1606       1865       2084       2292       2491         
   8400     1127       1609       1868       2087       2296       2495         
   8450     1129       1612       1871       2090       2299       2499         
   8500     1132       1614       1874       2093       2303       2503         
   8550     1134       1617       1877       2097       2306       2507         
   8600     1136       1620       1880       2100       2310       2511         
   8650     1141       1628       1889       2110       2321       2523         
   8700     1147       1636       1898       2120       2332       2535         
   8750     1153       1644       1908       2131       2344       2548         
   8800     1159       1652       1917       2141       2355       2560         
   8850     1164       1660       1926       2151       2367       2572         
   8900     1170       1668       1935       2162       2378       2585         
   8950     1176       1676       1945       2172       2389       2597         
   9000     1181       1684       1954       2182       2401       2609         
   9050     1187       1692       1963       2193       2412       2622         
   9100     1193       1700       1972       2203       2423       2634         
   9150     1199       1708       1982       2213       2435       2647         
   9200     1204       1716       1991       2224       2446       2659         
   9250     1210       1724       2000       2234       2457       2671         
   9300     1216       1732       2009       2244       2469       2684         
   9350     1220       1739       2017       2253       2478       2694         
   9400     1224       1744       2023       2260       2486       2702         
   9450     1228       1750       2030       2267       2494       2711         
   9500     1232       1756       2036       2275       2502       2720         
   9550     1236       1761       2043       2282       2510       2728         
   9600     1240       1767       2049       2289       2518       2737         
   9650     1244       1772       2056       2296       2526       2746         
   9700     1248       1778       2062       2304       2534       2754         
   9750     1252       1784       2069       2311       2542       2763         
   9800     1255       1789       2075       2318       2550       2772         
   9850     1259       1795       2082       2325       2558       2780         
   9900     1263       1800       2088       2333       2566       2789         
   9950     1267       1806       2095       2340       2574       2798         
  10000     1271       1811       2101       2347       2582       2806         
  10050     1301       1836       2126       2372       2607       2831         
  10100     1308       1861       2151       2397       2632       2856         
  10150     1314       1886       2176       2422       2657       2881         
  10200     1321       1911       2201       2447       2682       2906         
  10250     1327       1936       2226       2472       2707       2931         
  10300     1334       1955       2251       2497       2732       2956         
  10350     1340       1965       2276       2522       2757       2981         
  10400     1347       1974       2301       2547       2782       3006         
  10450     1353       1984       2326       2572       2807       3031         
  10500     1359       1993       2351       2597       2832       3056         
  10550     1366       2003       2376       2622       2857       3081         
  10600     1372       2012       2388       2647       2882       3106         
  10650     1379       2022       2399       2672       2907       3131         
  10700     1385       2031       2410       2697       2932       3156         
  10750     1392       2041       2422       2712       2957       3181         
  10800     1398       2050       2433       2725       2982       3206         
  10850     1405       2060       2444       2737       3007       3231         
  10900     1411       2069       2455       2750       3032       3256         
  10950     1418       2079       2467       2762       3056       3281         
  11000     1424       2088       2478       2775       3070       3306         
  11050     1431       2097       2489       2788       3083       3331         
  11100     1437       2107       2501       2800       3097       3356         
  11150     1444       2116       2512       2813       3111       3381         
  11200     1450       2126       2523       2825       3125       3406         
  11250     1457       2135       2534       2838       3139       3427         
  11300     1463       2145       2546       2851       3153       3442         
  11350     1470       2154       2557       2863       3167       3457         
  11400     1476       2164       2568       2876       3181       3472         
  11450     1482       2173       2579       2889       3195       3488         
  11500     1489       2183       2591       2901       3209       3503         
  11550     1495       2192       2602       2914       3223       3518         
  11600     1502       2202       2613       2926       3237       3533         
  11650     1508       2211       2624       2939       3251       3548         
  11700     1515       2221       2636       2952       3265       3564         
  11750     1521       2230       2647       2964       3279       3579         
  11800     1528       2240       2658       2977       3293       3594         
  11850     1534       2249       2669       2989       3307       3609         
  11900     1541       2259       2681       3002       3321       3625         
  11950     1547       2268       2692       3015       3335       3640         
  12000     1554       2278       2703       3027       3349       3655         
  12050     1560       2287       2715       3040       3363       3670         
  12100     1567       2297       2726       3053       3376       3685         
  12150     1573       2306       2737       3065       3390       3701         
  12200     1580       2316       2748       3078       3404       3716         
  12250     1586       2325       2760       3090       3418       3731         
  12300     1593       2335       2771       3103       3432       3746         
  12350     1599       2344       2782       3116       3446       3762         
  12400     1605       2354       2793       3128       3460       3777         
  12450     1612       2363       2805       3141       3474       3792         
  12500     1618       2373       2816       3153       3488       3807         
  12550     1625       2382       2827       3166       3502       3823         
  12600     1631       2392       2838       3179       3516       3838         
  12650     1638       2401       2850       3191       3530       3853         
  12700     1644       2411       2861       3204       3544       3868         
  12750     1651       2420       2872       3217       3558       3883         
  12800     1657       2430       2883       3229       3572       3899         
  12850     1664       2439       2895       3242       3586       3914         
  12900     1670       2449       2906       3254       3600       3929         
  12950     1677       2458       2917       3267       3614       3944         
  13000     1683       2468       2929       3280       3628       3960         
  13050     1690       2477       2940       3292       3642       3975         
  13100     1696       2487       2951       3305       3655       3990         
  13150     1703       2496       2962       3317       3669       4005         
  13200     1709       2506       2974       3330       3683       4021         
  13250     1716       2515       2985       3343       3697       4036         
  13300     1722       2525       2996       3355       3711       4051         
  13350     1728       2534       3007       3368       3725       4066         
  13400     1735       2544       3019       3380       3739       4081         
  13450     1741       2553       3030       3393       3753       4097         
  13500     1748       2563       3041       3406       3767       4112         
  13550     1754       2572       3052       3418       3781       4127         
  13600     1761       2582       3064       3431       3795       4142         
  13650     1767       2591       3075       3444       3809       4158         
  13700     1774       2601       3086       3456       3823       4173         
  13750     1780       2610       3098       3469       3837       4188         
  13800     1787       2619       3109       3481       3851       4203         
  13850     1793       2629       3120       3494       3865       4219         
  13900     1800       2638       3131       3507       3879       4234         
  13950     1806       2648       3143       3519       3893       4249         
  14000     1813       2657       3154       3532       3907       4264         
  14050     1819       2667       3165       3544       3921       4279         
  14100     1826       2676       3176       3557       3935       4295         
  14150     1832       2686       3188       3570       3948       4310         
  14200     1839       2695       3199       3582       3962       4325         
  14250     1845       2705       3210       3595       3976       4340         
  14300     1851       2714       3221       3608       3990       4356         
  14350     1858       2724       3233       3620       4004       4371         
  14400     1864       2733       3244       3633       4018       4386         
  14450     1871       2743       3255       3645       4032       4401         
  14500     1877       2752       3266       3658       4046       4416         
  14550     1884       2762       3278       3671       4060       4432         
  14600     1890       2771       3289       3683       4074       4447         
  14650     1897       2781       3300       3696       4088       4462         
  14700     1903       2790       3312       3708       4102       4477         
  14750     1910       2800       3323       3721       4116       4493         
  14800     1916       2809       3334       3734       4130       4508         
  14850     1923       2819       3345       3746       4144       4523         
  14900     1929       2828       3357       3759       4158       4538         
  14950     1936       2838       3368       3772       4172       4554         
  15000     1942       2847       3379       3784       4186       4569         
  
(f) Adjusted basic child support obligation. -- The adjusted basic child support obligation shall be determined by multiplying the basic child support obligation by one and one-half.  
  
(g) Child care expenses. --  
  
   (1) Subject to paragraphs (2) and (3) of this subsection, actual child care expenses incurred on behalf of a child due to employment or job search of either parent shall be added to the basic obligation and shall be divided between the parents in proportion to their adjusted actual incomes.  
  
   (2) Child care expenses shall be:  
  
      (i) determined by actual family experience, unless the court determines that the actual family experience is not in the best interest of the child; or  
  
      (ii) if there is no actual family experience or if the court determines that actual family experience is not in the best interest of the child:  
  
         1. the level required to provide quality care from a licensed source; or  
  
         2. if the obligee chooses quality child care with an actual cost of an amount less than the level required to provide quality care from a licensed source, the actual cost of the child care expense.  
  
   (3) Additional child care expenses may be considered if a child has special needs.  
  
(h) Extraordinary medical expenses. --  
  
   (1) Any actual cost of providing health insurance coverage for a child for whom the parents are jointly and severally responsible shall be added to the basic child support obligation and shall be divided by the parents in proportion to their adjusted actual incomes.  
  
   (2) Any extraordinary medical expenses incurred on behalf of a child shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted actual incomes.  
  
(i) School and transportation expenses. -- By agreement of the parties or by order of court, the following expenses incurred on behalf of a child may be divided between the parents in proportion to their adjusted actual incomes:  
  
   (1) any expenses for attending a special or private elementary or secondary school to meet the particular educational needs of the child; or  
  
   (2) any expenses for transportation of the child between the homes of the parents.  
  
(j) Setoff for third party payments. --  
  
   (1) Except as provided in paragraph (2) of this subsection, when a disability dependency benefit, a retirement dependency benefit, or other third party dependency benefit is paid to or for a child of an obligor who is disabled, retired, or is receiving benefits from any source as a result of a compensable claim, the amount of the compensation shall be set off against the child support obligation calculated using the guidelines.  
  
   (2) (i) If the amount paid to or for a child exceeds the current child support obligation calculated using the guidelines, the excess payment shall be credited to any existing child support arrearage that accrued after the effective date the benefits were awarded.  
  
      (ii) The excess payment may not be credited to any future child support obligation.  
  
(k) Use, possession or occupancy of family home. --  
  
   (1) Upon the expiration of a use and possession order or the expiration of the right to occupy the family home under a separation or property settlement agreement and upon motion of either party, the court shall review the child support award.  
  
   (2) If the allocation of financial responsibility for the family home was a factor in departing from the guidelines under subsection (a) of this section, the court may modify the child support, if appropriate in all the circumstances, upon the expiration of the use and possession order or the expiration of the right to occupy the family home under a separation or property settlement agreement.  
  
(l) Cases other than shared physical custody cases. --  
  
   (1) Except in cases of shared physical custody, each parent's child support obligation shall be determined by adding each parent's respective share of the basic child support obligation, work-related child care expenses, health insurance expenses, extraordinary medical expenses, and additional expenses under subsection (i) of this section.  
  
   (2) The obligee shall be presumed to spend that parent's total child support obligation directly on the child or children.  
  
   (3) The obligor shall owe that parent's total child support obligation as child support to the obligee minus any ordered payments included in the calculations made directly by the obligor on behalf of the child or children for work-related child care expenses, health insurance expenses, extraordinary medical expenses, or additional expenses under subsection (i) of this section.  
  
(m) Shared physical custody cases. --  
  
   (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) 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.  
  
   (3) Subject to the provisions of paragraphs (4) and (5) of this subsection, the parent owing the greater amount under paragraph (2) of this subsection shall owe the difference in the 2 amounts as child support.  
  
   (4) In addition to the amount of the child support owed under paragraph (3) of this subsection, if either parent incurs child care expenses under subsection (g) of this section, health insurance expenses under subsection (h)(1) of this section, extraordinary medical expenses under subsection (h)(2) of this section, or additional expenses under subsection (i) of this section, the expense shall be divided between the parents in proportion to their respective adjusted actual incomes. The parent not incurring the expense shall pay that parent's proportionate share to:  
  
      (i) the parent making direct payments to the provider of the service; or  
  
      (ii) the provider directly, if a court order requires direct payments to the provider.  
  
   (5) The amount owed under paragraph (3) of this subsection may not exceed the amount that would be owed under subsection (l) of this section.  
  
**HISTORY:** 1989, ch. 2; 1990, ch. 58; 1992, ch. 22, § 1; 2004, ch. 25, § 6; chs. 116, 491; 2007, chs. 35, 36; 2010, chs. 262, 263.