

Child Support, Contempt and Enforcement

After a divorce or separation, parents in Maryland, Virginia and the District of Columbia are expected to provide their children with basic financial support for food, housing, medical expenses and related needs, including health insurance premiums and education expenses. Child support is the financial support paid by parents to support their child or children, and it can be resolved voluntarily, by court order or by an administrative agency.

The District of Columbia, Maryland and Virginia have established guidelines for determining the amount of child support to be paid, considering factors including incomes for both parents, child care costs, health insurance and extraordinary medical expenses, as well as existing child support obligations for a noncustodial parent. A child support order is as enforceable as any other court judgment or decree. Maryland, Virginia and the District of Columbia use a variety of tools to induce compliance with orders, including income withholding, tax refund offsets, property liens, asset seizure, credit bureau reporting, insurance matching, driver's license suspension or revocation, passport denial, and civil or criminal contempt charges.

Our attorneys are proficient at applying the different state child support guideline formulas, and they know the elements of these formulas that can make a difference in outcomes. We regularly help clients make sure all information is properly considered and calculated, so the correct amount of child support is paid and received.

Moreover, our team drafts comprehensive marital separation agreements that include provisions for child support. We recommend that clients use these agreements to avoid making child support a litigated issue, whenever possible. Our proactive negotiation skills help clients avoid the legal expense of litigating child support issues and increase the chances of achieving an outcome that will result in regular, full payments. However, whenever litigation on issues of child support becomes necessary, our family law attorneys are highly experienced and ready to prosecute and defend these child support issues on your behalf.

Maryland

In Maryland, the child support guidelines presents a formula that, for most families, will determine the amount of child support to be paid. The child support guidelines in Maryland apply presumptively to families with combined household income of \$180,000 per year or less. The Maryland child support guidelines are based on the income shares model, meaning that each parent is deemed responsible for a share of the total support needs of the children in the same proportion as that parent's income share of the total combined household income.

When the child is born in a marriage, the law automatically assumes that the husband and wife are the parents. If the child is born to an unmarried couple, the first step is to establish paternity. Paternity can be established by the father signing a voluntary declaration or by utilizing genetic testing. Once paternity has been established, a court can order a parent to pay child support to the other parent.

The child support guidelines formula considers gross income for each parent from any source. Additionally, potential income may be used if a parent is voluntarily impoverished. This means a parent who is unemployed or underemployed in an effort to avoid paying child support may be attributed income consistent with their income potential. A determination of potential income may not be made for a parent who is unable to work because of a disability or who is caring for a child under age 2 for whom both parents are responsible.

The child support guidelines formula also considers and factors into the calculation work-related childcare costs, extraordinary medical expenses, the actual cost of providing health insurance for the child, and certain other agreed education related costs.

If the parents share physical custody such that each parent has the child at least 35% of the time, measured as 128 overnights per year, then the child support guidelines formula considers the total number of overnights the child spends with each parent.

Child support in Maryland ordinarily terminates upon a child reaching age 18. If a child turns 18 and is still enrolled in secondary school (high school), then the child is entitled to support until the child dies, marries, becomes emancipated, graduates or leaves secondary school, or reaches age 19, whichever occurs first.

Calculation of child support for families with combined monthly income greater than \$15,000 (or \$180,000 annually) is complex and very fact-specific. Essentially, the court process entails determining the actual reasonable needs of the child and apportioning the cost of those needs between the parents according to their income shares. Difficulty can arise in determining the incomes of the parents, the reasonable needs of the child or children, and the amount of those needs actually covered by each parent.

Parents are allowed to agree to a child support amount on their own, but the court must approve this amount of support if asked to incorporate child support into a court order. However, neither parent can simply waive child support. Moreover, the court will always retain the power to order one parent to pay the other child support. Maryland courts generally require a printed child support guidelines worksheet before approving an amount of child support agreed to between the parents. An online child support calculator may be found through the [Maryland Department of Human Services](#).

To consult with a Shulman Rogers Family Law attorney about issues related to your Maryland Child Support payments and obligations, please [contact us](#).