

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1704, L.D. 2353, Bill, "An Act Concerning Child Support Guidelines"

Amend the bill in Part A in that part designated "~~§311.~~" by striking out all of subsection 2 and inserting in its place the following:

'2. Child care costs. "Child care costs" means the actual child care costs incurred by the parties for the children for whom support is being established that are related to that party's employment, education or training and are reasonable or customary in the area in which that party resides.'

Further amend the bill in Part A in that part designated "~~§311.~~" in subsection 5 in paragraph A by inserting at the end the following: 'Gross income does not include child support received by either party for children other than children for whom support is being determined.'

Further amend the bill in Part A in that part designated "~~§312.~~" in the first paragraph in the 2nd line (page 4, line 4 in L.D.) by inserting after the following: "court action" the following: 'or administrative proceeding'

Further amend the bill in Part A by striking out all of that part designated "~~§314.~~" and inserting in its place the following:

'§314. Income information and child support worksheets

1. Court actions. This subsection governs the exchange and filing of income affidavits, child support worksheets and supporting documentation in court actions.

A. In any court action to determine or modify support of a minor child or children, the plaintiff and defendant shall exchange, prior to mediation, affidavits regarding income

2 and assets. These affidavits must conform with the forms
4 provided by the court and must be accompanied by supporting
6 documentation of current income, such as pay stubs, tax
8 returns, employer statements or, if the plaintiff or
10 defendant is self-employed, receipts and expenses.

12 B. The parties shall exchange prior to the commencement of
14 any mediation a completed child support worksheet. The
16 worksheet must be completed in accordance with the support
18 guidelines.

20 C. At least 3 days prior to any court hearing, whether
22 contested or uncontested, the parties shall file with the
24 court and exchange, if they have not already done so, the
26 completed affidavits and child support worksheets. The
28 parties are not required to file with the court the
30 supporting documentation.

32 D. Failure to comply with this subsection may result in the
34 imposition of economic sanctions upon a party and empowers
36 the court to determine a parental support obligation based
38 on available information and reasonable inferences drawn
40 from the failure to comply.

42 2. Administrative proceedings. The Department of Human
44 Services shall adopt rules regarding the provision of information
46 necessary to apply the child support guidelines in administrative
48 proceedings.

50 Further amend the bill in Part A in that part designated
52 "§316." in subsection 1 in the 2nd line (page 5, line 4 in L.D.)
by inserting after the following: "court" the following: 'or
hearing officer'

Further amend the bill in Part A in that part designated
"§316." in subsection 1 in the 2nd blocked paragraph in the first
line (page 5, line 9 in L.D.) by inserting after the following:
"court" the following: 'or hearing officer'

Further amend the bill in Part A in that part designated
"§316." in subsection 1 in the 2nd blocked paragraph in the 4th
line (page 5, line 12 in L.D.) by inserting after the following:
"court" the following: 'or hearing officer'

Further amend the bill in Part A in that part designated
"§316." in subsection 2 in the 2nd line (page 5, line 20 in L.D.)
by striking out the following: "for each child"

Further amend the bill in Part A in that part designated
"§316." in subsection 3 in the 2nd line (page 5, line 37 in L.D.)
by striking out the following: "child"

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Further amend the bill in Part A in that part designated
"§316." in subsection 3 in the 3rd line (page 5, line 38 in L.D.)
by inserting after the following: "court" the following: 'or
hearing officer'

Further amend the bill in Part A in that part designated
"§316." in subsection 4 in the first line (page 5, line 45 in
L.D.) by inserting after the following: "court" the following:
'or hearing officer'

Further amend the bill in Part A in that part designated
"§316." in subsection 5 in the 6th line (page 7, line 10 in L.D.)
by inserting after the following: "court" the following: 'or
hearing officer'

Further amend the bill in Part A in that part designated
"§316." by inserting after subsection 5 the following:

'6. Incorporated findings. As part of its current child
support order, the court or hearing officer shall make the
following findings:

A. The names and dates of birth of the children for whom
support is being sought;

B. The annual gross income of each party and the combined
annual income of both parties;

C. The amount of the basic weekly support entitlement
attributable to children under 12 years of age, as indicated
per child per week on the child support table;

D. The amount of the basic weekly support entitlement
attributable to children 12 years of age and over, as
indicated per child per week on the child support table;

E. The names and dates of birth of the children for whom
work-related day care expenses are paid and the amount of
those expenses;

F. The names and dates of birth of the children for whom
extraordinary medical expenses are paid and the amount of
those expenses; and

G. The parental support obligation of the nonprimary care
provider.

These findings are made by incorporating the completed child
support worksheet into the order for current support.'

Further amend the bill in Part A in that part designated
"§316." in subsection 6 in the first line (page 7, line 14 in

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L.D.) by striking out the following: "6." and inserting in its place the following: '7.'

Further amend the bill in Part A in that part designated "§316." in subsection 6 in paragraph D in the last line (page 7, line 37 in L.D.) by striking out the following: "and"

Further amend the bill in Part A in that part designated "§316." in subsection 6 in paragraph E in the 8th line (page 7, line 46 in L.D.) by inserting after the following: "court" the following: 'or hearing officer' and in the last line (page 7, line 49 in L.D.) by striking out the following: "children." and inserting in its place the following: 'children; and'

Further amend the bill in Part A in that part designated "§316." in subsection 6 by inserting at the end the following:

'F. If the court or hearing officer ultimately determines that the order for current support is to be set under section 317, the court or hearing officer shall incorporate into the order its written findings in support of the deviation.'

Further amend the bill in Part A in that part designated "§317." in subsection 1 in the first line (page 8, line 3 in L.D.) by inserting after the following: "court" the following: 'or hearing officer'

Further amend the bill in Part A in that part designated "§317." by striking out all of subsection 2 and inserting in its place the following:

'2. Proposed findings. A party in a court action proposing deviation from the application of the support guidelines shall provide the court with written proposed findings showing that the application of the presumptive amount would be inequitable or unjust.'

Further amend the bill in Part A in that part designated "§317." in subsection 3 in paragraph M in the 2nd line (page 9, line 14 in L.D.) by striking out the following: "after" and inserting in its place the following: 'notwithstanding the'

Further amend the bill in Part A in that part designated "§317." in subsection 3 in paragraph Q in the first line (page 9, line 35 in L.D.) by inserting after the following: "court" the following: 'or hearing officer'

Further amend the bill in Part A in that part designated "§318." in the first paragraph in the 2nd line (page 9, line 42 in L.D.) by inserting after the following: "court" the following: 'or hearing officer'

2 Further amend the bill in Part A in that part designated
3 "§318." in the first paragraph in the 5th line (page 9, line 45
4 in L.D.) by inserting after the following: "court" the
5 following: 'or hearing officer'

6
7 Further amend the bill in Part A in that part designated
8 "§319." in the first paragraph in the 4th line (page 10, line 2
9 in L.D.) by inserting after the following: "court" the
10 following: 'or hearing officer'

11
12 Further amend the bill in Part B in section B-1 in
13 subsection 9 in the 8th line (page 10, line 19 in L.D.) by
14 inserting after the following: "pursuant to" the following
15 'chapter 7.'

16
17 Further amend the bill in Part B in section B-6 by striking
18 out all of subsection 3 and inserting in its place the following:

19 '3. Automatic adjustments. Notwithstanding subsection 2,
20 the decree of the court or order of the hearing officer may
21 include automatic adjustments to the amount of money paid for the
22 support of a child when the child attains the age of 12 or 18
23 years; or when the child graduates, withdraws or is expelled from
24 secondary school, attains the age of 19 or is otherwise
25 emancipated, whichever occurs first.'

26
27 Further amend the bill in Part B by striking out all of
28 section B-9.

29
30 Further amend the bill in Part B in section B-10 in
31 subsection 9 in the 5th line (page 13, line 49 in L.D.) by
32 inserting after the following: "pursuant to" the following:
33 'chapter 7.'

34
35 Further amend the bill in Part B in section B-11 in that
36 part designated "§693." by striking out all of the first line
37 (page 14, line 25 in L.D.) and inserting in its place the
38 following:

39 '§693. Orders pending divorce'

40
41 Further amend the bill in Part B in section B-11 in that
42 part designated "§693." in the first paragraph in the 7th line
43 (page 14, line 33 in L.D.) by striking out the following: "care,
44 custody" and inserting in its place the following: 'care,
45 custody parental rights and responsibilities'

46
47 Further amend the bill in Part B in section B-12 in
48 subsection 10 in the 12th line (page 15, line 7 in L.D.) by
49 inserting after the following: "pursuant to" the following:
50 'chapter 7.'

Further amend the bill in Part B by renumbering the sections to read consecutively.

Further amend the bill by inserting before the statement of fact the following:

FISCAL NOTE

The Department of Human Services has indicated it can absorb, within budgeted resources, the costs associated with rulemaking.

STATEMENT OF FACT

This amendment makes the following revisions to the bill:

1. Clarifies language regarding child care expenses, recognizing that the nonprimary care party may have child care expenses;

2. Expressly states that gross income does not include child support being received for other children;

3. Provides that the guidelines apply to administrative proceedings as well as court actions;

4. Changes section titles and headnotes to more accurately reflect the appropriate provisions;

5. Clarifies that income affidavits must be submitted with supporting documentation, but that the supporting documentation is not required to be filed with the court;

6. Clarifies information requirements for administrative proceedings;

7. Clarifies references to "total support obligation";

8. Requires the court or hearing officer to incorporate specific information in the current support order, which will be accomplished by incorporating the child support worksheet;

9. Requires the court or hearing officer to include written findings of the reasons for deviating from the presumptive amounts;

10. Clarifies that in a court action, a party proposing deviation must submit written proposed findings showing why the presumptive amounts are inequitable or unjust;

2 11. Clarifies that the criteria for deviation regarding
health insurance premiums is based on the premiums exceeding 15%
4 of that party's total support obligation, even though the
premiums may be deducted from gross income;

12. Incorporates the common law concept of emancipation and
8 ensures that child support will not continue beyond emancipation;
and

13. Updates language regarding parental rights and
12 responsibilities to eliminate the use of the term "custody."

Reported by the Committee on Judiciary
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