

# MARYLAND CHILD SUPPORT GUIDELINES: CASE-LEVEL REVIEW

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## EXECUTIVE SUMMARY

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According to federal law and regulations, states must use a standardized approach to establish child support order amounts and review their approach or guidelines at least every four years. In addition to considering economic data on child rearing costs to ensure that the guidelines are providing appropriate support obligations, states must “analyze case data...on the application of, and deviations from, the guidelines. The analysis of the data must be used in the State’s review of the guidelines to ensure that deviations from the guidelines are limited” (Guidelines for Setting Child Support Awards, 2007). Maryland law includes similar language and also requires the Child Support Enforcement Administration (CSEA) of the Department of Human Resources (DHR) to “report its findings and recommendations to the General Assembly” [Md. Family Law Code §12-202(c)(2)].

Pursuant to these regulations, CSEA contracts with its longstanding research partner, the Family Welfare Research and Training Group (FWG) at the School of Social Work, University of Maryland Baltimore, to collect and analyze case data on the application and deviations from the guidelines. Today’s report presents findings obtained from review of a random sample of 6,530 Maryland child support cases in which support orders were established (n=4,215) or modified (n=2,315) in calendar years 2002, 2003, 2004, 2005, or 2006. The statewide sample was designed with a 95% confidence level and a margin of error of  $\pm 5\%$  and was stratified on order type (new or modified).

Because earlier guidelines reviews had suggested a considerable amount of jurisdictional variation in deviation rates, we also designed the sample to include enough cases from each jurisdiction to provide valid findings at the local level. To the best of our knowledge this is the first guidelines study in the nation to do so. In the report, the statewide results are weighted to represent the true proportion of new and modified orders, and the proportion of orders within each jurisdiction. Data for sample cases were abstracted from copies of the actual child support orders and accompanying guidelines worksheets provided to the FWG by local child support office staff.

The larger sample enables us to present findings in three separate chapters. The first findings chapter focuses on statewide results, including characteristics of cases, obligors and custodians, and information regarding cases with deviations. The second chapter presents findings separately for new and modified orders, and the third includes jurisdiction-level information. The following bullet points summarize the key findings of our analyses.

- **The guidelines worksheets indicate that most families in the IV-D caseload have total adjusted incomes within the range of the current child support schedule.**

Within Maryland’s IV-D caseload, more than nine out of ten (96.5%) orders established or modified in the study period could be calculated using the child support schedule, which provides standard child support obligations for families with a total adjusted income between \$850 per month and \$10,000 per month. Less than five percent of orders were discretionary due to a total monthly family income of less than \$850 (2.2%) or more than \$10,000 (1.3%).

- **As in previous case-level reviews in Maryland, today's findings reveal that the vast majority of support obligations are written according to the child support guidelines. When deviations occur, they are usually downward adjustments, and the case record typically indicates a reason for the adjustment.**

Overall, three-fourths (74.9%) of orders established or modified within the study period were written according to the Maryland child support guidelines. Among those with deviations (21.6%), most were downward adjustments (16.3%) rather than upward adjustments (5.3%). The average amount of the discrepancy between the guidelines amount and order amount was notably lower among upward adjustments (mean=\$74.48 per month) compared with downward adjustments (\$125.53). An additional 3.5% of orders were discretionary orders because total adjusted family income was either below or above the child support schedule.

Most cases with deviations had documentation of the reasons either written into the order or marked on the accompanying guidelines worksheet. In one-half (49.8%) of the cases with deviations, the sole reason listed for the deviation was some variation of "all parties agree". Other frequently reported deviation factors included credits for additional children in the obligor's home (7.9%) or in-kind support (4.6%). Less frequently reported deviation factors included financial hardships, split custody arrangements, split orders, foster care, and miscalculations of the guidelines. No reason for the deviation was reported in about one in seven (14.7%) cases with deviations.

- **In general, deviations are more likely to occur in cases with higher obligor income.**

A comparison of cases with deviations to those without deviations reveals a consistent pattern of higher deviation rates among higher income cases. For example, "Never TANF" child support cases are nearly twice as likely as "Current TANF" cases to have a deviation from the guidelines (27.0% vs. 15.7%). The same is true for obligors with an adjusted income of \$3,000 or more per month compared with obligors with an adjusted income of less than \$1,500 per month (30.8% vs. 17.9%).

- **Child support guidelines are applied equally in newly established and modified orders. However, modified orders are more likely to include cases with income above the guidelines and new orders are more likely to include cases with income below the guidelines.**

Overall, we find that the deviation rate was very similar among newly established orders (21.4%) and modified orders (22.3%). Likewise, we find that the percent of orders written for families with income outside the range of the current child support schedule is comparable for both new and modified orders (3.4% and 3.9%, respectively). However, among new orders, the majority of discretionary orders (107 out of 142) were written for families with income below the guidelines and among modified orders, the majority (70 out of 90) were written for families with income above the guidelines.

- **There is great deal of variation in deviation rates across jurisdictions, but this is likely reflective of variations in local caseload composition as well as variations in local support agency and judicial practice.**

For the first time we are able to present deviation rates by jurisdiction, and the findings reveal a great deal of variation. For instance, the overall deviation rate ranged from less than ten percent to nearly forty percent. It is likely that local deviation rates are influenced by a number of factors, including local policies, caseload size, local court systems, and average family income. This is further evidenced by the variation in the frequency of using one or more particular deviation factors among jurisdictions.

In summary, Maryland's federally-mandated case record review has once again revealed that the majority of orders are written according to the recommendations of the child support guidelines. Deviations occurred in approximately one out of five cases with orders established or modified between 2002 and 2006, and most deviations were downward. In general, the reason for deviation was documented either within the order or on the corresponding guidelines worksheet. However, in one-half of all deviations, the only reason given for the deviation was an agreement between the custodian and non-custodial parent. We also find that the guidelines are applied equally between new and modified orders, that deviations are more likely to occur as adjusted family income increases, and that there is substantial variability in deviations across jurisdictions.

These findings are consistent with those reported in previous reviews, with one notable exception. Compared with the 2004 review, we find that the percent of deviation cases without a documented reason decreased and that the percent of cases where the only deviation reason listed is an agreement of the parties increased. Although deviations are allowed in cases with pre-existing separation agreements, there was rarely any documentation in the order or guidelines worksheet as to whether the agreement was pre-existing or not, whether the pre-existing agreement specified support in a particular amount, or how the deviation served the best interests of the child(ren). It is likely that these deliberations occurred during the order establishment process, but were not documented in the final order or worksheet. Nonetheless, we suggest CSEA consider whether there should be clarification on when an agreement between parties may be used as an acceptable rebuttal to the presumption of the guidelines and whether documentation should be included on the guidelines worksheet.

The current review also includes two new findings that were not available in previous reviews. The first is that some jurisdictions are more likely than others to have cases with family income below or above the existing schedule, although the vast majority of IV-D cases do have total adjusted family income that falls within the current child support schedule. Second, we find that approximately one out of seven (15.2%) cases report the rough equivalent of full-time minimum wage as the obligor's income. This finding may indicate a relatively high rate of attributing income. Maryland law specifies that potential (i.e. attributed) income should only be used if a parent is voluntarily impoverished [Md. Family Law Code §12-204(b)], and CSEA policy specifies that full-time minimum wage should be attributed when a parent has minimal skills or no work history (CSEA Policy Manual Section F.205). Thus study findings seem to suggest that the prevailing view is that earnings below full-time minimum wage automatically qualify as voluntary impoverishment. If that is not the position of CSEA, we recommend policy

clarification be provided to local child support offices as to how and under what circumstances a determination of voluntary impoverishment should be made.

Overall, the findings of this fourth case-level review indicate that, on the whole, the child support guidelines are followed carefully and consistently in Maryland. However, largely because the current, outmoded schedule does not reflect current economic and income realities, there continue to be families for whom the current guidelines are deemed unjust or inappropriate, or are simply unavailable. In light of this situation, we applaud CSEA's recent collaborative participation with judges, legislators, members of the private bar, and others in crafting legislation to update the guidelines in Maryland. In particular, guidelines are needed for families earning more than \$10,000 per month in adjusted family income and for families with additional children in the home or various forms of in-kind support. The proposed updates to the guidelines schedule should help standardize support for more families and ultimately benefit the Maryland children served by our state's child support program.



## INTRODUCTION

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According to federal regulations, states must establish quantitative guidelines for the purpose of determining child support obligations and these guidelines must be reviewed at least once every four years (Guidelines for Setting Child Support Awards, 2007). The purpose of the review is two-fold. First, states must review the adequacy of the guidelines in light of available economic data on the cost of raising children. In addition, states must “analyze case data, gathered through sampling or other methods, on the application of, and deviations from, the guidelines...to ensure that deviations from the guidelines are limited” (Guidelines for Setting Child Support Awards, 2007). Deviations are meant to be limited because under current law a state’s child support guidelines are considered presumptive, and should only be rebutted (i.e., deviated from) in cases where their application would result in a child support order that was unjust or inappropriate according to state-established criteria (Guidelines for Setting Child Support Awards, 2007).

Since the mid-1990s, Maryland’s Child Support Enforcement Administration (CSEA) has contracted with the Family Welfare Research and Training Group (FWG) at the School of Social Work (SSW), University of Maryland Baltimore to achieve the second purpose of the quadrennial review: to collect and analyze case data on the application of and deviations from child support guidelines. Today’s report presents findings from review of a random sample of 6,530 Maryland IV-D child support cases in which support orders were established or modified between January 1, 2002 and December 31, 2006. Compared with previous case-level reviews also conducted by the FWG as part of a long-standing research partnership with CSEA, this review is much broader in scope. Our sample of cases is much larger because it is stratified by order type and jurisdiction, and provides valid results at the state level as well as comparisons of new versus modified orders and comparisons across jurisdictions. The main research questions of the review are as follows:

- 1) What are the characteristics of IV-D child support cases with orders established or modified between 2002 and 2006? What are the characteristics of non-custodial parents and custodians associated with these cases?
- 2) What is the deviation rate among cases with orders established or modified between 2002 and 2006? Are deviations from the child support guidelines more or less likely in certain types of cases?
- 3) How do new child support orders compare with modified child support orders established between 2002 and 2006? Are deviations from the child support guidelines more or less likely depending on the type of order?
- 4) How do the characteristics of cases with orders established or modified between 2002 and 2006 vary among local jurisdictions? Are deviations from the child support guidelines more or less likely in certain jurisdictions?

To put our findings in context, the next chapter provides a short history of child support guidelines and previous case-level reviews.

## BACKGROUND

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With a caseload of nearly 16 million cases and over 17 million children, the child support enforcement program is the single largest child welfare program in the United States. In federal fiscal year 2007 alone, our nation's public child support program collected more than \$24 billion on behalf of families (OCSE, 2008). All of this support was collected based on court orders that established the non-custodial parent's child support obligation.

In order to ensure adequacy, equity and efficiency, child support legislation in the mid- to late-1980s required each state to develop a set of numeric guidelines (sometimes referred to as a child support schedule) and adhere to them, except in cases where the application of the guidelines would be unjust or inappropriate ["Child Support Enforcement Amendments of 1984" (PL 98-378) and "Family Support Act of 1988" (PL 100-485)]. In practice, the design of child support guidelines is a complex undertaking. In addition to choosing an overall model, states must also consider how best to tailor the guidelines to meet the needs of their specific caseloads.

Mandatory quadrennial reviews provide an opportunity to assess the fit of the guidelines and to highlight areas where modification may be needed, primarily by examining the deviation rate and reasons for deviations from the guidelines. This needs to be done at the state level because states are afforded flexibility in both the specific design of their child support guidelines and in their deviation criteria. As a result, it is difficult to compare the results of a guidelines review from one state to the next unless one understands the broader context of those results. Thus, this chapter provides a brief overview of the major types of guidelines models and deviation criteria used across the country. In addition, we provide a summary of previous guidelines reviews as a point of comparison.

### ***Types of Guidelines Models***

In 1984, the Office of Child Support Enforcement (OCSE) established a national Advisory Panel on Child Support Guidelines to investigate the use of guidelines across states, which at the time were required but not necessarily presumptive. That is, states were required to establish numeric guidelines, but they were not required to be used in the establishment of orders. The Panel's findings were published in a report to OCSE three years later, and provided an overview of guidelines models used in various states, as well as a more in-depth discussion of the underlying assumptions and theory of child support guidelines in general (Williams, 1987). A subsequent guidebook includes an updated state-by-state analysis and a more recent overview of the types of guidelines models used by each state (Morgan 2005).

According to federal regulations, state child support guidelines models must:

- (1) Take into consideration all earnings and income of the noncustodial parent;
- (2) Be based on specific descriptive and numeric criteria and result in a computation of the support obligation; and

- (3) Provide for the child(ren)'s health care needs, through health insurance coverage or other means (Guidelines for Setting Child Support Awards, 2007).

Beyond these requirements states are given flexibility in the type of guidelines model used, though in general there are three basic guidelines models: Percentage of Income, Income Shares, and the Melson Formula (Morgan, 2005; Williams, 1987). Each of these models is described briefly in the following sections, but readers are cautioned that these general descriptions do not take into account the many variations on and adjustments to the general form of the models. For example, variations exist with regard to whether a state uses gross or net income, how specific child expenditures such as child care and health expenses are allocated, whether or not obligations are adjusted to account for additional children or shared parenting time and so forth. Figure 1, following this discussion, provides a graphical representation of the distribution of models across states.

### ***Percentage of Income***

The Percentage of Income approach generally bases the support award solely on the income of the non-custodial parent without consideration of the earnings or income of the custodial parent, perhaps making it the most efficient model of the three. The underlying assumption is that each parent will spend the same proportion of their income on the child, whether that is a fixed percent across all income levels or a variable rate which decreases as income increases. As presented in Figure 1, following this discussion, twelve states and the District of Columbia were using the Percentage of Income Model as of August 2005 (Morgan, 2005).

### ***Income Shares***

The Income Shares approach was developed by the Institute for Court Management of the National Center for State Courts and is based on three premises:

- 1) The child should receive the same proportion of parental income that he or she would have received if the parents lived together;
- 2) In an intact household, the income of both parents is generally pooled and spent for the benefit of all household members, including any children; and
- 3) A child's portion of such pooled expenditures includes spending for goods used only by the child, such as clothing, and also a share of goods used in common by the family, such as housing, food, household furnishings and recreation (Williams, 1987).

Accordingly, in the Income Shares model, the incomes of both parents (custodial and noncustodial) are considered in determining the basic support obligation, as is the number of children and additional expenses such as child care and health. The resulting total support obligation is then pro-rated between the parents based on their proportion of total combined income (Dodson, 1994). As shown in Figure 1, the Income



## ***Deviation Criteria***

As with general guidelines models, federal regulations also allow states flexibility in deviating from the guidelines in cases where the recommended child support amount would be “unjust or inappropriate”, as long as the criteria take into consideration the best interests of the child(ren) [“Family Support Act of 1988” (PL 100-485)]. This allowance for deviations is important because the presumptive guidelines are based on economic data reflective of average family expenditures, which may at times be at odds with a particular family’s circumstances.

Morgan (2005) provides a rather comprehensive list of over forty different deviation factors used by states, highlighting several as the most commonly reported: “health insurance and extraordinary medical expenses; child care expenses; shared custody or extraordinary visitation; split custody; the needs of children of other relationships of either parent; and the needs of older children (p. 4-24.3).” In recognition of how frequently such special circumstances arise in their caseload, many states have incorporated these issues into the basic calculation of support or as standard add-ons.

In addition, approximately three-quarters of the states include a discretionary factor in their child support guidelines that allows officials to deviate for reasons other than those specifically named, as long as the deviation is in the best interests of the child(ren). The federal mandate for states to review case data every four years “to ensure that deviations from the guidelines are limited” [“Family Support Act of 1988” (PL 100-485)] is especially important for those states with a discretionary factor.

## ***Maryland’s Child Support Guidelines***

Maryland has adopted the Income Shares model for calculating child support obligations, with several notable adjustments. First, the model uses gross income instead of net income, but allows for certain deductions such as existing child support actually paid, health insurance premiums paid on behalf of the child(ren), and alimony payments paid or received.<sup>1</sup> Second, the model incorporates a self-support reserve which increased from about \$480 per month to \$850 per month effective July 1, 2004, which was about half-way through the time period covered by this review. Third, child care expenses, extraordinary medical expenses, and additional expenses are included as add-ons to the basic child support obligation and pro-rated according to each parent’s percent of income. Finally, the model allows for a shared custody adjustment when each parent keeps the child(ren) for at least 35% of the overnights in a year.

In terms of deviation criteria, Maryland law has a discretionary component which allows a deviation from the guidelines if there is “evidence that the application of the guidelines would be unjust or inappropriate in a particular case”. In making such a determination, the court may consider (1) the terms of any 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 [Md. Family Law Code §12-202(2)(iii)]. If the court

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<sup>1</sup> Effective October 1, 2007, health insurance premiums were changed from an income adjustment to a direct add-on.

finds that a deviation is justified, there must be a written or specific finding on the record stating the reasons for the deviation and how those reasons serve the best interests of the child(ren). In addition, the court must specify what the obligation would have been under the guidelines, how the order varies, and the estimated value of in-kind support when this support is conveyed instead of a portion of the support required by the guidelines [Md. Family Law Code §12-202(2)(iv)].

The same process applies in consent orders, which may be negotiated outside of court. According to CSEA policy, “the negotiator shall assume that the guidelines amount is the correct amount and attempt to obtain a consent order specifying the guidelines amount” (CSEA Policy Manual Section F.305.1). As in regular court proceedings, deviations are allowed in consent orders when the deviation serves the best interests of the child, as long as the record indicates the amount of the deviation and “the reason why the deviation serves the best interests of the child” (CSEA Policy Manual Section F.305.2).

### ***Guidelines Reviews in Other States***

Most states have conducted at least four reviews of their child support guidelines in the twenty years since implementation of the Family Support Act of 1988 made the reviews mandatory. Still, variations in child support caseloads, guidelines models, and deviation criteria make it very difficult to compare the results of the reviews, including deviation rates across states. A national study in the mid-1990s analyzed case records from eleven different states and found an average formal deviation rate of 17%, defined as an explicit departure from the guidelines calculation (CSR, Inc., 1996). The most common reasons cited for deviation included: 1) agreement between the parties (21%); 2) second households (14%); 3) extended or extraordinary visitation; and 4) low income of the non-custodial parent (11%). Three-fourths (74%) of the deviations decreased the amount of support owed and the average decrease was about one-third (36%) of the guidelines amount.

There were additional cases not classified as formal deviations, where the order amount departed from the guidelines calculation, but the case record did not include any documentation on the reason for the deviation. These so-called “discrepancy cases” made up a significant portion of non-deviation cases, ranging from 10% to more than 45% across the 21 counties sampled in the eleven study states. Venohr and Griffith (2005) refer to these discrepancies as “apparent deviations”, and note that among states that include them as deviation cases instead of non-deviation cases, the deviation rate is obviously higher (27% to 50%, compared with 3% to 29%, respectively).

In addition to differences in how a deviation is defined from one state to the next, deviation rates are also sensitive to the type of guidelines model used, the composition of the cases reviewed, and state-specific deviation criteria. In particular, deviation rates are higher for private (non-IV-D) than public (IV-D) child support cases, and tend to be lower in states that incorporate frequently used deviation factors into their basic child support schedule (Morgan, 2005; Venohr & Griffith, 2005).

## ***Previous Maryland Reviews***

The Family Welfare Research and Training Group at the University of Maryland School of Social Work has conducted three previous case-level reviews of IV-D child support cases on behalf of CSEA. The first was completed in 1996 and reviewed cases with orders established or modified between 1993 and 1995, the second was completed in 2000 and reviewed the period 1996 to 1998, and the third was completed in 2004 and reviewed the period 1999 to 2001 (Ovwigbo, Born & Saunders, 2004; Vallair & Born, 1996; Welfare and Child Support Research and Training Group, 2000). In the first review, a deviation was defined as a discrepancy between the order amount and the guidelines-recommended amount of at least \$1, even if there was no documentation related to the deviation in the case record. The deviation rate was approximately 40%. In the 2000 and 2004 reviews, a deviation was defined as a discrepancy between the order amount and the guidelines-recommended amount of at least \$10, and the deviation rates were somewhat lower with a deviation rate of 26.5% in 2000 and 20.6% in 2004. Overall, the majority of deviations were downward (77% in 2000 and 74% in 2004).

Among cases with deviations from the guidelines reviewed for the 2004 report, about three out of ten (29.3%) deviations occurred because of agreement of the parties, one out of five (20.7%) occurred because of additional children in the home to whom the obligor owed a duty of support, and less than one in ten deviations occurred because of in-kind support (6.9%), financial hardship (6.9%), and other reasons (8.0%). In approximately one-third (31.6%) of these cases, there was no documented reason for the deviation.

In both the 2000 and 2004 reports, we found that deviations were more likely to occur among higher-income cases (i.e., non-AFDC/TANF cases, cases outside Baltimore City, and cases with higher-income obligors) and among modification orders in contrast with newly established orders. Today's report builds on these findings, providing an overall statewide review of the deviation rate and factors among orders established and modified between 2002 and 2006, as well as a comparisons between new and modified orders. New to this review is a separate analysis of deviation rates within individual jurisdictions.

## METHODS

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As in previous years, today's child support guidelines review was conducted by selecting a random sample of child support cases with new or modified orders during the most recent review period (2002 – 2006). This chapter provides an overview of how the sample was selected, data collection methods, and analysis techniques used.

### **Sample**

The study population was defined as all IV-D cases in which a new current support order was established or an existing order was modified to change the current support amount between January 1, 2002 and December 31, 2006. Cases were identified using the Child Support Enforcement System (CSES) which is the administrative data system for Maryland's IV-D Child Support Enforcement Administration (CSEA). The database was phased in, with Maryland's counties adopting it beginning in August 1993 and Baltimore City completing the statewide implementation by March 1998. For the purposes of this review, a new order was identified when a current support amount greater than \$0 first appeared in the administrative data and the specified order date fell within the study period. A modification was identified when there was a change in the current support ordered amount from one month to the next within the study period, other than a change from \$0 or to \$0. This is because a modification from \$0 is really a new order and a modification to \$0 does not use the child support guidelines. Rather, it is usually an indication of case closure or suspension.

In order to limit the sample to orders for which the Maryland child support guidelines schedule was presumably applied, we excluded certain orders such as some interstate orders, orders for paternity only, and provisional or temporary orders. In addition, we excluded certain cases such as those for destitute adults, indigent parents, spousal support, and a small group of Non-IV-D cases that were established outside the IV-D system but included in the administrative data for wage-withholding and collection purposes only.

In total, using the aforementioned criteria, there were 79,118 orders established or modified between 2002 and 2006 in Maryland. Nearly eight out of ten (77.8%, n=61,494) instances were new orders, and the remaining two out of ten (22.2%, n=17,624) orders were previously established but modified at least once during the study period to increase or decrease the support ordered amount. In addition to defining a sample that yields valid statewide results, CSEA asked SSW to draw a sample that would yield valid jurisdiction-level data, based on previous findings that revealed variation in deviation rates by jurisdiction and by whether the order was new or modified.

In order to allow for valid local level findings, we stratified the sample by order type (new or mod) and by jurisdiction. Thus, the final sample size was 6,530 orders, including 4,215 new orders and 2,315 modified orders. This sample yields valid statewide data and group-level comparisons (new vs. modified) with a 95% confidence interval and a  $\pm 5\%$  margin of error. Jurisdiction-level results are valid with a 90% confidence interval and a  $\pm 6\%$  error margin. The confidence level means that, if random sampling is used,



there is a 95% chance that the sample selected will be representative of the population from which it was drawn. The margin of error means that all results (e.g., the deviation rate) are expected to lie within  $\pm 5\%$  of the true population values. The jurisdictional distribution of orders is presented in Table 1.

**Table 1. Sample Size by Jurisdiction and Order Type**

<b>Jurisdiction</b>	<b>New Orders</b>	<b>Modified Orders</b>	<b>Total Orders</b>
Allegany County	176	115	291
Anne Arundel County	267	27	294
Baltimore County	255	33	288
Calvert County	174	103	277
Caroline County	144	26	170
Carroll County	189	103	292
Cecil County	170	156	326
Charles County	188	126	314
Dorchester County	153	23	176
Frederick County	181	150	331
Garrett County	125	70	195
Harford County	216	81	297
Howard County	167	132	299
Kent County	116	76	192
Montgomery County	181	169	350
Prince George's County	190	166	356
Queen Anne's County	135	87	222
St. Mary's County	172	125	297
Somerset County	154	28	182
Talbot County	134	84	218
Washington County	182	158	340
Wicomico County	166	138	304
Worcester County	160	60	220
Baltimore City	220	79	299
<b>Total</b>	<b>4,215</b>	<b>2,315</b>	<b>6,530</b>

## ***Data Collection***

Once the sample was identified, child support staff in Maryland's 23 counties and Baltimore City manually located the physical records containing the specific child support orders and corresponding guidelines worksheets. They made photocopies of these two documents and sent them to the FWG researchers. FWG provided detailed data collection instructions which were pilot tested in several jurisdictions, as well as lists of sample and oversample cases, identification labels, and prepaid mailing labels. Once the selected orders were received by FWG, they were tracked and abstracted, and the data was entered into a customized SQL-Server database.

## ***Data Analysis***

In this report, findings are presented in three separate chapters. The first chapter includes a review of sample characteristics and deviations at the statewide level. For the most part univariate statistics were used to describe the characteristics of cases, obligors, custodians, and deviations. Where we compare cases with deviations to those without deviations, chi-square and ANOVA statistics were used to test if differences observed were large enough to reach standard levels of statistical significance.

In the first findings chapter, we used the standard analytic technique of normative weighting so that the statewide sample more accurately portrays the actual distribution of cases across jurisdictions throughout the state. For instance, the sample size for a particular jurisdiction might represent 5% of the total sample even though that jurisdiction might account for only 2% of cases in the actual universe of cases with orders established or modified between 2002 and 2006. So that the statewide analyses accurately reflect the universe, cases from each jurisdiction are weighted so that they account for the same percent in the sample as they do in the universe.

The second chapter compares findings for new and modified orders. Chi-Square and ANOVA are used to test for statistically significant differences between the two types of orders. We again used normative weighting so that the sample accurately portrays the actual distribution of new and modified cases in the 2002-2006 statewide universe. These weights as well as those in the first analyses are provided in Appendix A.

Finally, the third chapter presents findings at the jurisdiction level. For these analyses, no weighting was needed because the sample was drawn to be a valid random sample for each jurisdiction. Chi-square and ANOVA were used to determine whether differences observed among jurisdictions are statistically significant.

One of the greatest challenges in child support is finding a balance between standardization and flexibility. On the one hand, standards promote equity and predictability in the establishment of child support obligations. On the other hand, it is impossible for a single set of standards to accommodate the full range of family circumstances seen in local child support caseloads. Thus, it is important to understand how policy interacts with practice, and to examine whether there are certain characteristics that make the guidelines more or less likely to result in appropriate order amounts. To that end, the following discussion presents our statewide findings regarding the characteristics of cases, non-custodial parents (NCPs), custodial parents and custodians (CPs), as well as deviations from the Maryland child support guidelines. As a reminder, the data have been weighted to reflect the true distribution of cases across the state.

### ***Case Characteristics***

Table 2, following this discussion, displays data on the characteristics of cases in our sample, including case designation, the type of worksheet used to calculate the guidelines amount, and the number of children per case. The table also provides information on average monthly current support order amounts, per case and per child. Essentially, the data in this table provide a context for understanding the rest of the findings throughout the review and confirms the generalizability of our findings to the population of child support cases in Maryland.

Approximately two out of five (40.3%) cases in our sample had no history of involvement with Temporary Assistance to Needy Families (TANF) in Maryland as of the month of order establishment or modification. Slightly more, 44.1%, included custodians that had formerly received TANF, and less than one out of five cases (15.6%) included custodians who were receiving TANF at the time the order was established or modified. In this regard, the guidelines review sample is comparable to Maryland's IV-D caseload (Ovwigbo, Head & Born, 2008).

Overall, the vast majority (94.9%) of support orders were calculated using the Sole Custody Worksheet. This is consistent with findings from our 2004 review (95.9%). Several jurisdictions use Master's Recommendations, either instead of or in conjunction with regular guidelines worksheets, but this is rare overall (3.4%). Likewise, the use of shared custody worksheets was very rare (1.7%) among IV-D cases.

Also comparable to the 2004 review is the percent of cases with one child. Among orders in the current review, three-quarters (74.6%) involved only one child. The average monthly current support order was for \$363.18 per case. However, the median order was \$302.00 per case.<sup>2</sup> This indicates that there were some high outliers and

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<sup>2</sup> Although the mean and median are both measures of central tendency, the mean is more sensitive to outliers or extreme values. For example, just a few very large values can pull the mean higher. For this reason, throughout this report we discuss the median when outliers appear to have skewed the mean. The median value is the middle value of the distribution. That is, half of the cases will have values below the median and the other half will have values above the median.

further that half of all sample orders were for less than \$302.00 per month and half were for more. Because most cases in the sample involved only one child, the average monthly support amount awarded per child was similar, though slightly lower, to the per case measure, with a mean value of \$292.86 and a median of \$253.96 per month.

**Table 2. Characteristics of Sample Cases**

	<b>Total Orders (n=6,530)</b>
<b>Case Designation</b>	
Current TANF	15.6%
Former TANF	44.1%
Never TANF	40.3%
<b>Worksheet Type</b>	
Sole Custody	94.9%
Master's Recommendations	3.4%
Shared Custody	1.7%
<b>Number of Children on Case</b>	
1	74.6%
2	19.5%
3 or more	5.8%
<b>Support Order Amount per Month</b>	
<b>Per Case</b>	
Mean	\$363.18
Median	\$302.00
Standard deviation	\$226.22
Range	\$13.00 to \$2,600.00
<b>Per Child</b>	
Mean	\$292.86
Median	\$253.96
Standard deviation	\$165.15
Range	\$5.00 to \$1,500.00

**Note:** Data have been weighted to account for sample stratification.

### ***Non-Custodial Parent Characteristics***

The number of children and type of custody are certainly important in determining a child support obligation. However, in an Income Shares state like Maryland, the support obligation is primarily driven by the total amount of family income reported and the percent of income held by the obligor. Thus, the next two sections focus specifically on these and other characteristics of non-custodial parents (NCPs) and custodians in our sample. First, as shown in Table 3, we see that more than nine out of ten (92.3%) non-custodial parents were fathers. This is consistent with child support caseloads in general and Maryland's caseload profile in particular.

In terms of income, the median gross monthly income for non-custodial parents was \$1,733.00, with wide variation ranging from \$0.00 to \$20,000 per month. It was very

rare (less than 1%) for a guidelines worksheet to include an income of \$0 for an obligor. However, approximately one in seven (15.2%) worksheets reflected an income for the NCP that was within a few dollars of full-time minimum wage. This may be a reflection of actual income, or possibly attributed income.

According to CSEA policy, potential income may be attributed to a parent if they are found to be voluntarily unemployed or working below their earnings potential [CSEA Policy Manual Section F.205 and Md. Family Law Code §12-204(b)]. Specifically, “if the parent has no work history or has minimal skills, attributed income is based on the minimum wage for a full week’s work” (CSEA Policy Manual Section F.205). Income should not be imputed or attributed when the parent is unable to work due to a disability or the parent is caring for a child under two years old, and the amount of attributed income should take into consideration the parent’s circumstances and the current job market.

While gross income is important, child support obligations in Maryland are based on adjusted monthly income. Adjusted income is calculated by subtracting certain expenses from gross income that are not otherwise accounted for in the child support schedule. Throughout our study period, these included pre-existing child support obligations that are actually paid, child-related health insurance premiums, and alimony paid or awarded during the support proceedings<sup>3</sup>. Table 3 shows that, on average, approximately one out of five (22.7%) obligors had an adjustment for pre-existing child support, and that the median amount of the adjustment was about \$300 per month. In addition, approximately one in five (17.4%) had an adjustment for child-related health insurance premiums, with a median deduction of about \$130 per month.

As anticipated, the average adjusted monthly income for NCPs was less than gross monthly income, with a median value of \$1,636.00. Also, as presented, a little more than two fifths (44.7%) of the NCPs in our sample had an adjusted monthly income of less than \$1,500.00, and an additional one out of five (17.9%) had an adjusted monthly income of less than \$2,000. Still, NCPs averaged about three-fifths (mean = 60.68%) of the total adjusted family income.

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<sup>3</sup> Less than one percent of obligors had adjustments for alimony paid or awarded, so the results are not presented to protect the confidentiality of those obligors.

**Table 3. Characteristics of Non-Custodial Parents**

	<b>Total Orders (n=6,530)</b>
<b>Relationship to Child(ren)</b>	
Father	92.3%
Mother	7.7%
<b>Gross Monthly Income</b>	
Mean	\$2,073.73
Median	\$1,733.00
Standard Deviation	\$1,359.78
Range	\$0.00 to \$20,000.00
None reported	0.9%
Full-time Minimum Wage	15.2%
<b>Adjustments to Gross Income</b>	
Deduction for Pre-existing Child Support	22.7%
Mean	\$361.42
Median	\$300.00
Standard Deviation	\$248.70
Range	\$10 to \$4,893
Deduction for Child-related Health Insurance Premiums	17.4%
Mean	\$163.34
Median	\$134.10
Standard Deviation	\$123.22
Range	\$6.00 to \$866.67
<b>Adjusted Monthly Income</b>	
Less than \$1,500	44.7%
\$1,500 to \$1,999	17.9%
\$2,000 to \$2,499	12.5%
\$2,500 to \$2,999	8.9%
\$3,000 or more	16.0%
Mean	\$1,961.92
Median	\$1,636.00
Standard Deviation	\$1,316.05
Range	\$0.00 to \$20,000.00
<b>Percent of Adjusted Family Income<sup>+</sup></b>	
Mean	60.68%
Median	55.56%
Standard Deviation	22.89%
Range	0.00% to 100.00%

**Note:** Data have been weighted to account for sample stratification. <sup>+</sup>Percent of Adjusted Family Income excludes 33 cases where the total adjusted family income was recorded as \$0.

## ***Custodial Parent Characteristics***

Table 4 presents data on the characteristics of custodians in our sample. About nine out of ten (91.4%) custodians were mothers. In a small portion of cases (3.9%) an adult other than a parent maintained custody of the minor child(ren).

The median gross monthly income reported for custodians (\$1,343.33) was about \$400 less than the average amount reported for NCPs. In addition, it was substantially more common for a custodian's income to be listed as \$0 than for NCP's. This occurred in approximately one out of five (18.9%) cases. This makes sense, because approximately one in six cases (15.6%, Table 2) included a custodian who was receiving TANF at the time the guidelines were calculated and TANF is excluded from gross income. We also know that income is not typically recorded when the custodian is a relative of the child other than a parent. Income approximating full-time minimum wage, either actual or attributed, was recorded for custodians in about one in seven (14.6%) cases.

Adjustments to income were less common for custodians than for NCPs. Fewer than one in twenty (3.0%) custodians had an adjustment for pre-existing child support paid, with a median deduction of \$233. Adjustments for health insurance premiums occurred precisely as often as they did for NCPs, in approximately one in five (17.4%) cases. However, health insurance adjustments are rarely used for both parents on the same guidelines worksheet. The amount of the median adjustment was also about the same (\$130.00/mth).

The median adjusted monthly income reported for custodians was approximately \$300 lower than the median amount reported for NCPs (\$1,332 vs. \$1,636). The difference results at least in part from the fact that there were a higher percent of custodians with zero income on the guidelines worksheet. Likewise, more than half (55.7%) of the custodians had an adjusted monthly income of less than \$1,500.00. Not surprisingly, the last portion of Table 4 shows that custodians accounted for just under two-fifths (39.32%) of total adjusted family income.

**Table 4. Characteristics of Custodians**

	<b>Total Orders (n=6,530)</b>
<b>Relationship to Child</b>	
Mother	91.4%
Father	4.8%
Other	3.9%
<b>Gross Monthly Income</b>	
Mean	\$1,595.10
Median	\$1,343.33
Standard Deviation	\$1,338.62
Range	\$0.00 to \$13,000.00
None reported	18.9%
Full-time Min Wage	14.6%
<b>Adjustments to Gross Income</b>	
Deduction for Pre-existing Child Support	3.0%
Mean	\$276.46
Median	\$233.00
Standard Deviation	\$173.81
Range	\$24.00 to \$1,155.00
Deduction for Child-related Health Insurance Premiums	17.4%
Mean	\$153.74
Median	\$130.00
Standard Deviation	\$114.94
Range	\$1.00 - \$948.00
<b>Adjusted Monthly Income</b>	
Less than \$1,500	55.7%
\$1,500 to \$1,999	14.1%
\$2,000 to \$2,499	10.7%
\$2,500 to \$2,999	7.4%
\$3,000 or more	12.1%
Mean	\$1,561.28
Median	\$1,332.17
Standard Deviation	\$1,305.21
Range	\$0.00 to \$13,000.00
<b>Percent of Adjusted Family Income<sup>+</sup></b>	
Mean	39.32%
Median	44.44%
Standard Deviation	22.89%
Range	0.00% to 100.00%

**Note:** Data have been weighted to account for sample stratification. <sup>+</sup>Percent of Adjusted Family Income excludes 33 cases where the total adjusted family income was recorded as \$0.



## ***Deviations from the Guidelines***

We now turn to the second main question of the review, “What is the deviation rate among cases with orders established or modified between 2002 and 2006?” For the purposes of this review, a deviation is defined as a discrepancy of at least \$10/month between the guidelines-recommended amount and the current support ordered amount. Overall, as shown in Table 5, three-quarters (74.9%) of new and modified orders were written according to the child support guidelines, and approximately one in five (21.6%) orders deviated from the guidelines. In a small percent of cases (3.5%), the total adjusted family income fell either below (2.2%) or above (1.3%) the child support schedule and so the orders were considered discretionary. According to Maryland law, if total adjusted family income falls below the schedule, a discretionary order amount should be set between \$20 and \$150/month and if the income falls above the schedule, the court may use its discretion in setting the amount [Md. Family Law Code §12-204(c),(d)].

In addition to the overall deviation rate, it is also informative to examine the direction of deviations. That is, whether the current support order amount was above or below the guidelines-recommended amount. This can be done using two different lenses. The first would be to look at what portion of *deviations* were upward or downward and the second would be to look at what portion of *total cases* deviated upward or downward. Table 5 focuses on the second lens, showing that 5.3% of overall cases (n=344/6,530) had a deviation that was above the guidelines-recommended amount. This is comparable to our 2004 guidelines review, which revealed a 4.4% upward deviation rate.<sup>4</sup> These upward deviations account for approximately one-quarter of all deviations (24.4%, n=344/1,412) and the median value reveals that upward deviations represented a discrepancy of about \$35 per month between the order amount and the guidelines amount.

As in previous reviews, downward deviations were much more common than upward deviations. Overall, 16.3% of all cases (n=1,067/6,530) had a deviation that was below the guidelines amount. Thus, downward deviations represented about three-quarters of all deviations (75.6%, n=1,067/1,412). In addition to being more common, the amount of the discrepancy between the order and guidelines amount was also larger among downward deviated cases than upward deviated cases. For instance, the median of the discrepancy among downward deviated cases was approximately -\$90/month, more than twice the amount among upward deviated cases.

As discussed in the background chapter, deviations are permitted in Maryland for any reason that the court feels is necessary to avoid an unjust or inappropriate order and supports the best interests of the child(ren). However, two deviation criteria are specifically mentioned in the law as examples of what the court may consider in making a decision: 1) a pre-existing separation agreement; and 2) the presence of additional children in the household of either parent to whom the parent owes a duty of support [Md. Family Law Code §12-202(a)(2)(iii)]. As presented in Table 5, approximately one-half (49.8%) of all deviations were reportedly due to an agreement of the parties. In

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<sup>4</sup> Deviation rates may not be directly comparable to those reported in previous reviews, since we separated discretionary orders from deviation orders in this study.

addition, not quite one in ten (7.9%) deviations were written to account for an intact second family and an additional one in twenty (4.6%) occurred to account for in-kind support directly contributed to child-related expenses. In approximately one out of seven (14.7%) cases with deviations, no reason was documented in the child support order or on the accompanying child support guidelines worksheet.

Also in about one out of seven (13.6%) cases, the deviation occurred for a reason other than those specifically mentioned in Maryland law. These include a miscalculation of the guidelines (5.1%), financial hardship of either the custodian or the NCP (3.5%), split orders which occur when children in the same family each receive individual orders (2.3%), split custody which occurs when each parent is the custodian for at least one joint child (1.4%), foster care cases (1.3%), and high income cases below the discretionary threshold where the guidelines amount was determined to be too low (less than 1%). In approximately one in ten cases (9.3%), a combination of two or more reasons, whether mentioned specifically in Maryland law or not, was given for the deviation.

In general, the rate of deviations from the guidelines in Maryland has remained relatively stable. There are, however, some notable differences between deviation reasons found in previous reviews and the deviation reasons reported among the 2002-2006 sample. Notably, and positively, there was a sizable decrease in the percent of deviations that occurred with "no reason given", from 31.5% to 14.5%. This is likely due to more frequent documentation of an agreement between the parties, which increased from 29.3% to 49.7%.

**Table 5. Deviation from the Guidelines**

	<b>Total Orders (n=6,530)</b>
<b>Overall Deviation Rate</b>	
No Deviation	74.9%
Deviation	21.6%
Discretionary	3.5%
Income Below Guidelines	2.2%
Income Above Guidelines	1.3%
<b>Direction of Deviation</b>	
<b>Upward Deviation</b>	5.3%
Mean Deviation Amount Per Month	\$74.48
Median	\$37.28
Standard Deviation	\$94.59
Range	\$10.05 to \$586.56
<b>Downward Deviation</b>	16.3%
Mean Deviation Amount Per Month	-\$125.53
Median	-\$91.90
Standard Deviation	-\$119.71
Range	-\$10.02 to -\$1,160.63
<b>Reason for Deviation</b>	
All Parties Agree	49.8%
No reason given	14.7%
Intact Second Family	7.9%
In-Kind Support	4.6%
Other	13.6%
Multiple Reasons	9.3%

**Note:** Data have been weighted to account for sample stratification. “Other” deviation reasons include guidelines miscalculation, high income, split custody, split orders, foster care, and financial hardship.

Table 6, following this discussion, presents an overall comparison between cases with deviations and those without. This information is useful for identifying the types of cases where the court establishing the order may be more likely to determine that the child support guidelines would not result in a just or appropriate support obligation amount. As shown, the deviation rate was slightly higher among modified orders than new orders (23.2% vs. 22.2%). This difference is not statistically significant in this year’s review although it was in previous reviews. This may at least in part be a result of excluding discretionary orders (those with incomes below and above the child support schedule), which were included as deviations in previous reviews. On average, the deviation rate was lowest among “Current TANF” cases (15.7%), higher among “Former TANF” cases (20.6%), and highest among “Never TANF” cases (27.0%). This difference is statistically significant, and consistent with previous reviews.

Because TANF receipt and family income are so intricately linked, it is difficult to know whether the difference in deviation rate is related to program dynamics or to low family

income. However, we know that the difference is at least partly attributable to income because the deviation rate tends to rise with obligor income, which may correlate with the TANF status of the custodian. For example, among Non-Custodial Parents with adjusted income of less than \$1,500 per month, the deviation rate was 17.9%, compared with nearly twice that (30.8%) among obligors with adjusted income of \$3,000 or more per month. This makes sense because most deviations are downward, and families with low income may already be at the lowest end of the child support schedule with no room for reductions. Also, because most deviations occur due to agreements, it could be that families with higher income are more likely to have pre-existing separation agreements or in-kind support that would warrant a deviation. The difference in deviation rates by NCP income is statistically significant.

The deviation rate also varies by the relationship of the obligor and the number of children on the case and these differences are statistically significant. In general, cases with non-custodial mothers were more likely to have a deviation than those with non-custodial fathers (26.4% and 22.1%, respectively), and cases with more children were more likely to have a deviation. Specifically, cases with a single child had a deviation rate of one out of five cases (20.4%) compared with three out of ten cases (30.8%) with three children or more.

In previous reviews we also compared deviation cases to non-deviation cases in Baltimore City to those in the balance of the state. However, at the request of CSEA we have expanded the sample to provide jurisdiction-level analyses for all 24 jurisdictions, as well as separate analyses of new and modified orders across the state. The next two chapters focus on these more specific subgroups.

**Table 6. Comparisons of Cases with and without Deviations**

	<b>No Deviation (n=4,891)</b>	<b>Deviation (n=1,412)</b>
<b>Order Type</b>		
New	77.8%	22.2%
Modification	76.8%	23.2%
<b>Case Subtype***</b>		
Current TANF	84.3%	15.7%
Former TANF	79.4%	20.6%
Never TANF	73.0%	27.0%
<b>NCP Adjusted Income***</b>		
Less than \$1,500	82.1%	17.9%
\$1,500 to \$1,999	77.1%	22.9%
\$2,000 to \$2,499	79.1%	20.9%
\$2,500 to \$2,999	68.8%	31.2%
\$3,000 or more	69.2%	30.8%
<b>Non-Custodial Parent Relationship to Child*</b>		
Mother	73.6%	26.4%
Father	77.9%	22.1%
<b>Number of Children on Case***</b>		
1	79.6%	20.4%
2	72.6%	27.4%
3 or more	69.2%	30.8%

**Note:** Data have been weighted to account for sample stratification. \*p<.05, \*\*p<.01, \*\*\*p<.001

## FINDINGS: NEW VS. MODIFIED ORDERS

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As mentioned previously, the review sample included cases where a new support order was established, as well as those where an existing order was modified to increase or decrease the current support amount. This chapter provides a detailed analysis of the differences between cases with new orders and those with modified orders, including differences in deviation rates. While the presumptive nature of the child support guidelines applies equally when establishing or modifying an order, we have found in previous reviews that the deviation rate is typically higher among modifications. In this chapter, we consider what, if any, case characteristics may be contributing to variations in the deviation rate.

### ***Case Characteristics***

Table 7, following this discussion, compares the case characteristics of new and modified orders. There are differences between the two groups on all seven variables examined, and all of the differences are statistically significant. First, cases with new orders are more than twice as likely as those with modified orders to be “Current TANF” cases (17.9% vs. 7.5%). This may be an indication that modifications are less common in low-income cases, or simply a difference in the age of orders. Research has shown that in Maryland TANF use is generally not continuous or lengthy (Ovwigbo, Born, Patterson, & Kolupanowich, 2008; Saunders, Ovwigbo, & Born, 2006). Thus, it may be that by the time an order is reviewed for modification, the custodian has exited TANF. In addition, cases with modifications are twice as likely to have used a shared custody worksheet to calculate the guidelines amount compared with cases with new orders (2.8% and 1.4%, respectively) and more likely to include cases with two children (22.1% vs. 18.8%).

In terms of average monthly support amounts, cases with modifications had higher per case and per child figures. Specifically, the average support amount awarded per month per case was \$353.32 for new orders and \$397.46 for modified orders. The average support amount awarded per month per child was \$284.80 for new orders and \$320.96 for modified orders.

After adjustments for pre-existing child support, health insurance premiums, and alimony, the average adjusted monthly income among non-custodial parents was approximately \$500 higher in cases with modifications than in those with new establishments (\$2,327.76 vs. \$1,857.22). The trends are similar for custodians. For instance, a monthly income roughly equivalent to full-time minimum wage was less common for custodians with modified orders (9.3%) than for those with new orders (16.1%). Likewise, adjusted monthly income was higher among custodians with modified orders by about \$400 per month (mean=\$1,898.15 vs. \$1,464.88 for custodians with modified and new orders, respectively).

Among new orders, nearly one out of five (18.0%) guidelines worksheets reported a full-time minimum wage equivalent gross income for non-custodial parents, compared with about one in twenty (5.4%) worksheets among modified orders. We hypothesize that this is partly related to the use of imputed or attributed income. In particular, it may be

more difficult to qualify for a child support modification without documentation of actual income or a change in income, making imputation less common among cases with modifications.

Finally, it is important to note that gross monthly income for custodians was reported as zero dollars in nearly one out of five (16.1%) cases with new orders, compared with one out of ten cases (9.3%) with modified orders. This is likely related to the higher percent of “Current TANF” cases among new establishments, because TANF income is not considered when calculating the child support guidelines.

Overall, it is clear from the findings in Table 7 that there are some distinct and significant differences between cases with new orders and those whose orders were modified between 2002 and 2006. It is beyond the scope of this review to delve into why these differences exist or how policy related to the review and modification process might play a role in these differences. Nonetheless, it is still important to consider the observed differences in relation to how they might affect the deviation rate, which is discussed in the next section.

**Table 7 Characteristics of Sample Cases (New vs. Modified Orders)**

	<b>New Orders (n=4,217)</b>	<b>Modified Orders (n=2,315)</b>
<b>Case Subtype***</b>		
Current TANF	17.9%	7.5%
Former TANF	43.3%	46.7%
Never TANF	38.7%	45.8%
<b>Worksheet Type***</b>		
Sole Custody	95.3%	93.7%
Master's Recommendations	3.3%	3.5%
Shared Custody	1.4%	2.8%
<b>Number of Children on Case***</b>		
1	75.2%	72.6%
2	18.8%	22.1%
3 or more	6.0%	5.3%
<b>Support Order Amount per Month</b>		
<b>Per Case</b>		
Mean***	\$353.32	\$397.46
Median	\$293.00	\$355.74
Standard deviation	\$228.23	\$215.61
Range	\$20.00 - \$2,600.00	\$13.00 - \$2,053.00
<b>Per Child</b>		
Mean***	\$284.80	\$320.96
Median	\$247.49	\$285.72
Standard deviation	\$163.14	\$169.10
Range	\$5.00 - \$1,500.00	\$13.00 - \$1,500.00
<b>Monthly Income (NCPs)</b>		
Mean Adjusted Income***	\$1,857.22	\$2,327.76
Median	\$1,548.00	\$1,974.00
Standard Deviation	\$1,234.07	\$1,513.89
Range	\$0.00 - \$20,000.00	\$0.00 - \$16,476.00
Zero Gross Income Reported***	1.0%	< 1%
Gross Income = Full-time Minimum Wage***	18.0%	5.4%
<b>Monthly Income (CPs)</b>		
Mean Adjusted Income***	\$1,464.88	\$1,898.15
Median	\$1,240.00	\$1,625.00
Standard Deviation	\$1,243.55	\$1,451.95
Range	\$0.00-\$10,000.00	\$0.00-\$13,000.00
Zero Gross Income Reported***	21.3%	10.8%
Gross Income = Full-time Minimum Wage***	16.1%	9.3%

**Note:** Data are weighted to represent true distribution of new vs. modified orders in the caseload. Due to rounding, the total n is 6532 instead of 6530. \*p<.05, \*\*p<.01, \*\*\*p<.001



## ***Deviations from the Guidelines***

Table 8, following this discussion, compares deviations from the guidelines between new and modified orders in our sample. As in previous reviews, the deviation rate was slightly lower for new orders (21.4%) than for modifications (22.3%), but in general it seems that the guidelines are being applied equally in both groups<sup>5</sup>. A larger difference appears among the discretionary orders. Specifically, among orders with adjusted total family income either below or above the existing child support schedule, cases with new orders were twice as likely to have income below the schedule (2.5% vs. less than 1% among modified orders). In contrast, cases with modified orders were more likely to have income above the schedule (3.0% vs. less than 1% among new orders). These findings are consistent with analyses presented in the previous chapter showing that family income tends to be higher for cases with modified orders than for cases with newly established orders.

Among cases with deviations, there was no difference between new and modified orders in the direction of the deviation. In both groups, about four out of five orders with deviations from the guidelines were downward deviations (75.9%, n=686/904 new orders and 74.7%, n=386/517 modified orders). There were also no statistically significant differences in the amount of the discrepancy between the guidelines amount and the ordered amount. The median amount of upward deviations in both groups was between \$30 and \$40 per month (\$32.69 among new orders and \$43.84 among modified orders). The median amount of downward deviations was at least twice as large in both groups, between -\$80 and -\$90 per month (-\$93.00 among new orders and \$82.52 among modified orders).

Finally, there were some statistically significant differences in the reason for deviation between cases with new and modified orders. Specifically, although “All Parties Agree” was the most commonly reported deviation reason in both groups, this reason accounted for more than half (52.1%) of all deviations among cases with new orders and just about two out of five (42.3%) deviations in cases with modified orders. In contrast, nearly twice as many cases with modified orders had no documented reason for the deviation (21.5% compared with 12.7% among cases with new orders). Otherwise, the groups had very similar proportions of deviations occurring for the various other reasons. Cases with modified orders were slightly more likely to have deviations due to intact second families (9.5% vs. 7.4%) or in-kind support (5.3% vs. 4.4%), and slightly less likely to have deviations for other reasons (13.2% vs. 13.8%) or a combination of several reasons (8.2% vs. 9.6%).

Overall, the findings presented in this chapter reveal many differences in the characteristics of cases with modified orders versus those with new orders, but few apparent differences in the application of the guidelines. The final findings chapter focuses on how the guidelines are applied at the local jurisdiction level.

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<sup>5</sup> The deviation rates for new and modified orders presented in Table 8 do not exactly equal those presented in Table 6 due to weighting. Please see the methods section, as well as Appendix A for more details regarding the use of weights in this review.

**Table 8. Deviation from the Guidelines (New vs. Modified Orders)**

	<b>New Orders (n=4,217)</b>	<b>Modified Orders (n=2,315)</b>
<b>Overall Deviation Rate***</b>		
No Deviation	75.2%	73.8%
Deviation	21.4%	22.3%
Discretionary	3.4%	3.9%
Income Below Guidelines	2.5%	< 1%
Income Above Guidelines	< 1%	3.0%
<b>Direction of Deviation</b>		
<b>Upward Deviation</b>	5.2%	5.6%
Mean Deviation Amount Per Month	\$76.32	\$68.66
Median	\$32.69	\$43.84
Standard Deviation	\$102.70	\$62.27
Range	\$10.05- \$586.56	\$10.08- \$367.78
<b>Downward Deviation</b>	16.3%	16.7%
Mean Deviation Amount Per Month	\$128.58	\$115.09
Median	\$93.00	\$82.52
Standard Deviation	\$124.95	\$98.71
Range	\$10.02 - \$1,160.63	\$10.93 - \$678.86
<b>Reason for Deviation***</b>		
All Parties Agree	52.1%	42.3%
No Reason Given	12.7%	21.5%
Intact Second Family	7.4%	9.5%
In-Kind Support	4.4%	5.3%
Other	13.8%	13.2%
Multiple Reasons	9.6%	8.2%

**Note:** Data are weighted to represent true distribution of new vs. modified orders in the caseload. Due to rounding, the total n is 6532 instead of 6530. \*p<.05, \*\*p<.01, \*\*\*p<.001

## FINDINGS: JURISDICTIONAL ANALYSES

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Maryland's 24 local jurisdictions, including 23 counties and Baltimore City, vary substantially in population size, demographics, child support caseload size, average family income, poverty rates, and child support program organization, structure and process, among other things. Thus, it is logical to expect that rates of deviations from the child support guidelines might also vary by jurisdiction. However, in past reviews the sample size was too small to allow for jurisdiction-level analyses. At the request of CSEA, this review includes a much larger sample from each jurisdiction so that we could further explore jurisdictional trends. In addition to deviation rates, the following discussion summarizes findings included in Table 9 related to the distribution of new and modified orders by jurisdiction, the average support order amount per month and total adjusted family income. These factors are important because we have already seen that deviation rates are sensitive to them, so variation in them among jurisdictions may help explain variations in deviation rates as well.

Our sample included new and modified orders within each jurisdiction, though the majority of orders were new orders. Overall, the percent of orders which were newly established within the study period ranged from 51.7% in Montgomery County to 90.8% in Anne Arundel County.<sup>6</sup>

The average amount of monthly support obligations ranged from less than \$300 (mean=\$238.78 in Somerset County and \$262.31 in Dorchester County) to more than \$400 (mean=\$446.89 in Calvert County, \$488.63 in Charles County and \$489.64 in Howard County). Minimum orders ranged from \$13 per month in Carroll County to \$95.33 per month in Queen Anne's County. There was a much wider range in maximum order amounts, from lows of \$819.00 in Worcester County and \$910.00 in Washington County to highs of \$2,599.00 in Queen Anne's County and \$2,600.00 in Frederick County.

Twelve of 24 jurisdictions had an average total adjusted monthly family income of \$3,500.00 or more, with the highest mean income found in Howard County (mean=\$5,111.39 per month).<sup>7</sup> Somerset County had the lowest average total adjusted family income of \$2,100.17. Other jurisdictions with relatively low adjusted family incomes are: Dorchester County (mean=\$2,466.93 per month); Garrett County (mean=\$2,651.69 per month); Baltimore City (mean=\$2,693.41); and Allegany County (mean=\$2,735.36 per month).

Most (20 of 24) jurisdictions did not have any orders where the total adjusted family income was zero dollars. However, such orders were found in a small minority of cases (i.e., less than 1%) in Carroll, Garrett, Prince George's, and Talbot counties. Otherwise, minimum recorded family income ranged from about \$100 per month (Baltimore County,

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<sup>6</sup> Readers should note that the percentages of new and modified orders reflect the distribution of the sample which was stratified on order type. Thus, they may not reflect the distribution of order type in the general child support caseload.

<sup>7</sup> The twelve jurisdictions are: Anne Arundel County, Baltimore County, Calvert County, Carroll County, Cecil County, Charles County, Frederick County, Howard County, Montgomery County, Prince George's County, Queen Anne's County, and St Mary's County.

\$112.67) to about \$900 per month (Cecil County, \$892.00 and Charles County, \$951.00).

At the other end of the spectrum, there were six jurisdictions in which the highest family income reported was below the \$10,000 per month ceiling of the current child support schedule. These include Allegany County (\$8,639.00), Garrett County (\$8,676.00), Talbot County (\$8,350.00), Wicomico County (\$8,498.57), Worcester County (\$8,765.55), and Baltimore City (\$9,858.00). Thus, in these jurisdictions, there were no cases with high-income discretionary orders. In the remaining 18 counties, at least some cases with new or modified orders did have adjusted incomes above the \$10,000 per month threshold of the current guidelines schedule. In no county, however, did these above-threshold cases account for more than 6.4% of cases.<sup>8</sup> Overall, approximately three percent of cases included family income that was either above or below the current child support schedule, ranging from less than 1% in Baltimore City to 10.4% in Somerset County, most of which were below-schedule orders.

In the bottom section of Table 9, we show the overall deviation rate for each jurisdiction and the 90% confidence interval for that rate. The vast majority of jurisdictions (19 of 24) had overall deviation rates lower than 25%. Within this group of subdivisions, there is a wide range, however, with a low of 5.5% in Allegany County and a high of 24.2% in Prince George's County. Deviation rates were higher than 25% in the counties of Anne Arundel (25.2%), Carroll (26.0%), Montgomery (38.6%), St. Mary's (27.6%), Talbot (27.5%) and Washington (28.5%).

In general, there was considerable variability among jurisdictions in terms of the direction of deviations. The upward deviation rate was about four percent overall, ranging from less than one percent in Caroline and Worcester Counties to ten percent in Baltimore City. Most of the upward deviations in Baltimore City occurred in cases where the guidelines amount was determined to be below the minimum order in the schedule and the parties agreed to an increase up to the minimum schedule amount of \$184 per month. In contrast, downward deviations occurred in less than five percent of cases in only two jurisdictions (Allegany County, 3.1% and Dorchester County, 4.0%) and occurred in more than ten percent of cases in 15 of the 24 jurisdictions. The highest rates of downward deviations occurred in Washington County (25.9%) and Montgomery County (33.4%).

Finally, we find that on average, downward deviations were typically larger in amount than upward deviations. Specifically, average upward deviation amounts ranged from about \$48 in Anne Arundel County to over \$100 in Calvert, Carroll, Charles, Talbot and Worcester Counties. Average downward deviation amounts ranged from about -\$64 in Somerset County to more than -\$150 in Carroll, Frederick, and St. Mary's Counties. The final section of our review, following Table 9, compares deviation reasons across jurisdictions.

The jurisdiction-level findings presented in Table 9 reveal a diverse child support caseload, and help us understand how variations in the caseload may affect the fit of

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<sup>8</sup> The three jurisdictions with the highest percent of above-threshold cases are: Howard County (6.4%); Montgomery County (4.6%); and Charles County (3.2%).

the guidelines. These findings suggest the need for further research into how the guidelines may be adjusted to better accommodate jurisdictions with higher rates of discretionary orders. In addition, jurisdictions with higher deviation rates may have a stronger need for guidelines revisions to better fit their caseload. The next section reports jurisdiction-level reasons for deviation, which will lend more insight into specific ways in which the existing guidelines may need some adjustment.

**Table 9. Selected Order Characteristics and Deviation Rate by Jurisdiction**

	<b>Allegany (n=291)</b>	<b>Anne Arundel (n=294)</b>	<b>Baltimore County (n=288)</b>	<b>Calvert (n=277)</b>
<b>Total Orders***</b>				
New	60.5%	90.8%	88.5%	62.8%
Mod	39.5%	9.2%	11.5%	37.2%
<b>Monthly Support Order Amount Per Case</b>				
Mean***	\$315.19	\$415.62	\$393.52	\$446.89
Median	\$267.00	\$340.00	\$352.00	\$392.00
Standard deviation	\$189.54	\$257.61	\$217.39	\$265.34
Range	\$47.00 - \$1,494.00	\$20.00 - \$1,557.00	\$20.00 - \$1,203.74	\$25.00 - \$2,053.43
<b>Total Adjusted Family Income</b>				
Mean***	\$2,735.36	\$3,716.13	\$3,902.69	\$3,859.48
Median	\$2,383.00	\$3,169.00	\$3,584.05	\$3,377.40
Standard Deviation	\$1,499.43	\$2,249.65	\$2,171.40	\$2,505.61
Range	\$455.00 - \$8,639.00	\$368.00 - \$18,159.00	\$112.67 - \$16,175.00	\$623.52 - \$16,125.44
<b>Discretionary Orders***</b>	3.8%	2.7%	3.8%	4.0%
<b>Deviation from the Guidelines</b>				
<b>Overall Deviation Rate***</b>	5.5%	25.2%	18.1%	14.8%
90%Confidence Interval	3.5% to 7.5%	21.1% to 29.2%	14.4% to 21.7%	11.6% to 18.0%
<b>Upward Deviation***</b>	2.4%	3.7%	4.2%	2.5%
Mean***	\$78.00	\$48.03	\$73.98	\$143.93
Median	\$69.48	\$30.00	\$49.35	\$107.00
Standard Deviation	\$53.70	\$41.80	\$70.17	\$136.51
<b>Downward Deviation***</b>	3.1%	21.4%	13.9%	12.3%
Mean****	\$83.22	\$98.71	\$95.92	\$134.79
Median	\$66.83	\$74.05	\$74.97	\$127.26
Standard Deviation	\$62.87	\$91.92	\$69.80	\$104.07

\*p<.05, \*\*p<.01, \*\*\*p<.001

**Table 9. Selected Order Characteristics and Deviation Rate by Jurisdiction (Continued)**

	<b>Caroline (n=170)</b>	<b>Carroll (n=292)</b>	<b>Cecil (n=326)</b>	<b>Charles (n=314)</b>
<b>Total Orders***</b>				
New	84.7%	64.7%	52.1%	59.9%
Mod	15.3%	35.3%	47.9%	40.1%
<b>Monthly Support Order Amount Per Case</b>				
Mean***	\$306.67	\$407.78	\$384.27	\$488.63
Median	\$276.00	\$343.83	\$318.92	\$421.00
Standard deviation	\$168.15	\$264.30	\$223.00	\$290.58
Range	\$43.30 - \$1,039.20	\$13.00 - \$2,285.00	\$23.00 - \$1,423.00	\$47.00 - \$1,910.00
<b>Total Adjusted Family Income</b>				
Mean***	\$3,020.85	\$3,776.36	\$3,567.72	\$4,785.53
Median	\$2,719.56	\$3,392.99	\$3,026.00	\$4,317.50
Standard Deviation	\$1,371.32	\$2,046.57	\$1,957.20	\$2,284.19
Range	\$783.75 - \$10,315.00	\$.00 - \$19,306.00	\$892.00 - \$12,320.97	\$951.00 - \$14,336.00
<b>Discretionary Orders***</b>	1.2%	3.1%	<1%	3.2%
<b>Deviation from the Guidelines</b>				
<b>Overall Deviation Rate***</b>	21.2%	26.0%	10.7%	17.2%
90%Confidence Interval	16.8% to 25.6%	22.2% to 29.8%	8.1% to 13.4%	13.9% to 20.5%
<b>Upward Deviation***</b>	<1%	4.5%	3.4%	3.5%
Mean***	N/A	\$106.73	\$71.68	\$131.23
Median	N/A	\$58.82	\$53.63	\$91.65
Standard Deviation	N/A	\$97.92	\$56.09	\$111.43
<b>Downward Deviation***</b>	20.6%	21.6%	7.4%	13.7%
Mean****	\$135.14	\$243.83	\$125.80	\$140.56
Median	\$106.53	\$108.55	\$56.00	\$98.62
Standard Deviation	\$87.38	\$339.05	\$130.20	\$135.53

\*p<.05, \*\*p<.01, \*\*\*p<.001

**Table 9. Selected Order Characteristics and Deviation Rate by Jurisdiction (Continued)**

	<b>Dorchester (n=176)</b>	<b>Frederick (n=331)</b>	<b>Garrett (n=195)</b>	<b>Harford (n=297)</b>
<b>Total Orders***</b>				
New	86.9%	54.7%	64.1%	72.7%
Mod	13.1%	45.3%	35.9%	27.3%
<b>Monthly Support Order Amount Per Case</b>				
Mean***	\$262.31	\$365.63	\$352.71	\$390.37
Median	\$212.00	\$318.00	\$302.00	\$327.00
Standard deviation	\$168.56	\$250.99	\$180.97	\$218.76
Range	\$33.54 - \$1,120.43	\$20.00 - \$2,600.00	\$25.00 - \$1,105.00	\$25.00 - \$1,342.00
<b>Total Adjusted Family Income</b>				
Mean***	\$2,466.93	\$3,696.95	\$2,651.69	\$3,450.24
Median	\$2,205.62	\$3,313.00	\$2,427.00	\$3,112.00
Standard Deviation	\$1,467.94	\$2,276.07	\$1,477.92	\$1,745.89
Range	\$416.01-\$11,371.37	\$444.00-\$18,217.00	\$0.00-\$8,676.00	\$357.00-\$12,108.12
<b>Discretionary Orders***</b>	3.4%	5.4%	3.1%	2.0%
<b>Deviation from the Guidelines</b>				
<b>Overall Deviation Rate***</b>	6.3%	15.4%	7.7%	22.6%
90%Confidence Interval	3.6% to 8.9%	12.3% to 18.5%	5.2% to 10.2%	18.8% to 26.3%
<b>Upward Deviation***</b>	2.3%	3.9%	1.5%	8.8%
Mean***	\$58.44	\$82.90	\$92.40	\$70.39
Median	\$81.00	\$57.71	\$116.00	\$49.00
Standard Deviation	\$39.40	\$73.81	\$58.83	\$64.62
<b>Downward Deviation***</b>	4.0%	11.5%	6.2%	13.8%
Mean****	\$144.13	\$169.75	\$106.10	\$110.98
Median	\$169.98	\$121.80	\$84.72	\$83.35
Standard Deviation	\$87.05	\$131.72	\$112.61	\$120.93

\*p<.05, \*\*p<.01, \*\*\*p<.001



**Table 9. Selected Order Characteristics and Deviation Rate by Jurisdiction (Continued)**

	<b>Howard (n=299)</b>	<b>Kent (n=129)</b>	<b>Montgomery (n=350)</b>	<b>Prince George's (n=356)</b>
<b>Total Orders***</b>				
New	55.9%	60.4%	51.7%	53.4%
Mod	44.1%	39.6%	48.3%	46.6%
<b>Monthly Support Order Amount Per Case</b>				
Mean***	\$489.64	\$359.12	\$417.91	\$399.25
Median	\$446.46	\$303.00	\$365.00	\$367.00
Standard deviation	\$263.59	\$192.27	\$257.65	\$187.26
Range	\$25.88 - \$1,679.00	\$74.46 - \$1,317.00	\$25.00 - \$2,003.00	\$60.00 - \$1,224.00
<b>Total Adjusted Family Income</b>				
Mean***	\$5,111.39	\$3,449.74	\$4,608.31	\$4,363.06
Median	\$4,647.00	\$3,256.00	\$4,050.00	\$4,250.00
Standard Deviation	\$2,798.13	\$1,797.35	\$3,005.96	\$2,325.39
Range	\$530.00 - \$15,667.32	\$782.71 - \$14,516.00	\$294.50 - \$23,083.00	\$0.00 - \$12,327.00
<b>Discretionary Orders***</b>	7.0%	1.6%	6.3%	6.7%
<b>Deviation from the Guidelines</b>				
<b>Overall Deviation Rate***</b>	14.4%	21.4%	38.6%	24.2%
90%Confidence Interval	11.3% to 17.5%	17.6% to 25.1%	34.4% to 42.7%	20.5% to 27.8%
<b>Upward Deviation***</b>	9.0%	3.1%	5.1%	4.5%
Mean***	\$59.95	\$68.42	\$90.48	\$75.98
Median	\$43.84	\$25.98	\$56.97	\$50.77
Standard Deviation	\$80.28	\$108.10	\$74.39	\$65.03
<b>Downward Deviation***</b>	5.4%	18.2%	33.4%	19.7%
Mean****	\$120.43	\$114.84	\$130.76	\$118.26
Median	\$40.49	\$85.00	\$104.55	\$89.82
Standard Deviation	\$141.98	\$104.45	\$105.07	\$112.43

\*p<.05, \*\*p<.01, \*\*\*p<.001

**Table 9. Selected Order Characteristics and Deviation Rate by Jurisdiction (Continued)**

	<b>Queen Anne's (n=222)</b>	<b>Somerset (n=182)</b>	<b>St Mary's (n=297)</b>	<b>Talbot (n=218)</b>
<b>Total Orders***</b>				
New	60.8%	84.6%	57.9%	61.5%
Mod	39.2%	15.4%	42.1%	38.5%
<b>Monthly Support Order Amount Per Case</b>				
Mean***	\$417.09	\$238.78	\$388.93	\$311.56
Median	\$346.68	\$211.64	\$329.78	\$263.00
Standard deviation	\$280.46	\$139.82	\$227.90	\$182.31
Range	\$95.33 - \$2,599.00	\$30.00 - \$1,176.29	\$25.00 - \$1,387.00	\$21.70 - \$1,145.00
<b>Total Adjusted Family Income</b>				
Mean***	\$3,953.93	\$2,100.17	\$3,973.27	\$2,941.92
Median	\$3,548.13	\$1,968.83	\$3,466.00	\$2,716.12
Standard Deviation	\$2,355.79	\$1,462.76	\$2,222.74	\$1,585.86
Range	\$726.30 - \$17,295.00	\$307.28 - \$14,933.00	\$475 - \$13,086.00	\$0.00 - \$8,350.00
<b>Discretionary Orders***</b>	2.7%	10.4%	2.7%	5.0%
<b>Deviation from the Guidelines</b>				
<b>Overall Deviation Rate***</b>	13.1%	9.3%	27.6%	27.5%
90%Confidence Interval	10.0% to 16.1%	6.3% to 12.4%	23.7% to 31.5%	23.4% to 31.6%
<b>Upward Deviation***</b>	3.2%	2.2%	2.7%	4.6%
Mean***	\$98.80	\$69.87	\$75.47	\$112.04
Median	\$31.21	\$71.28	\$54.47	\$90.19
Standard Deviation	\$156.74	\$51.97	\$62.49	\$92.03
<b>Downward Deviation***</b>	9.9%	7.1%	24.9%	22.9%
Mean****	\$103.86	\$63.86	\$150.17	\$108.49
Median	\$102.38	\$60.98	\$123.60	\$80.08
Standard Deviation	\$66.06	\$38.56	\$111.59	\$100.18

\*p<.05, \*\*p<.01, \*\*\*p<.001

**Table 9. Selected Order Characteristics and Deviation Rate by Jurisdiction (Continued)**

	Washington (n=218)	Wicomico (n=340)	Worcester (n=220)	Baltimore City (n=299)
<b>Total Orders***</b>				
New	53.5%	54.6%	72.7%	73.6%
Mod	46.5%	45.4%	27.3%	26.4%
<b>Monthly Support Order Amount Per Case</b>				
Mean***	\$292.20	\$271.50	\$275.89	\$308.35
Median	\$250.00	\$247.04	\$247.00	\$242.00
Standard deviation	\$165.56	\$144.16	\$137.67	\$204.58
Range	\$30.00 - \$910.00	\$24.60 - \$1,028.46	\$42.00 - \$819.00	\$42.00 - \$1,761.00
<b>Total Adjusted Family Income</b>				
Mean***	\$3,151.71	\$2,808.09	\$2,829.87	\$2,693.41
Median	\$2,840.67	\$2,613.00	\$2,516.00	\$2,225.00
Standard Deviation	\$1,662.38	\$1,272.27	\$1,356.65	\$1,682.41
Range	\$658.66-\$11,403.99	\$497.00-\$8,498.57	\$745.00-\$8,765.55	\$736.61-\$9,858.00
<b>Discretionary Orders***</b>	1.8%	2.6%	<1%	<1%
<b>Deviation from the Guidelines</b>				
<b>Overall Deviation Rate***</b>	28.5%	13.2%	14.1%	20.1%
90%Confidence Interval	24.7% to 32.4%	10.2% to 16.1%	10.8% to 17.4%	16.3% to 23.8%
<b>Upward Deviation***</b>	2.6%	4.3%	<1%	10.0%
Mean***	\$50.87	\$63.22	\$186.15	\$67.72
Median	\$31.51	\$42.96	\$214.31	\$30.00
Standard Deviation	\$45.63	\$58.34	\$39.83	\$108.63
<b>Downward Deviation***</b>	25.9%	8.9%	13.2%	10.0%
Mean****	\$111.66	\$109.22	\$114.89	\$114.05
Median	\$76.94	\$92.00	\$87.39	\$95.00
Standard Deviation	\$103.65	\$85.30	\$77.51	\$70.44

\*p<.05, \*\*p<.01, \*\*\*p<.001

## ***Reasons for Deviation***

Immediately following this discussion we present jurisdiction-specific information about the reasons recorded to explain why the deviation was necessary to produce a just or appropriate support order amount and was in the best interest of the child(ren). This information appears in Table 10.

There is a great deal of variability across jurisdictions in the reason for those deviations. For example, the percent of deviations for which there was no reason documented ranged from zero percent in Garrett County to almost three-fifths (58.1%) in Howard County. The percent of deviations which occurred due to an agreement between the parties ranged from less than ten percent (Allegany County, 6.3%) to more than seventy percent in Montgomery County (71.1%). Similarly, the percent of deviations which occurred due to reasons other than those specifically mentioned in Maryland law ranged from three percent in Montgomery County to 75 percent in Allegany County.

The remaining deviations reasons, including adjustments for an intact second family, in-kind support, or a combination of reasons, had less variability and were typically less common overall. The percent of deviations which were deemed necessary in order to account for an intact second family ranged from zero percent in Allegany County, Cecil County, Dorchester County, and Frederick County to about three out of ten (31.0%) deviations in Queen Anne's County. Likewise, in-kind support was not a deviation factor in any cases in Allegany, Dorchester, and Somerset Counties, but accounted for about one in five (23.2%) cases with a deviation in St. Mary's County. Finally, deviations that occurred due to a combination of factors were least common, accounting for none of the deviations in Allegany, Cecil, Dorchester, Garrett, Howard, and Wicomico Counties and for approximately one in five deviations in Calvert County (19.5%) and Baltimore City (21.2%).

**Table 10. Deviation Reasons by Jurisdiction \*\*\***

	All parties agree	No reason given	Other	Intact second family	Multiple reasons	In-kind support
Allegany County	6.3%	18.8%	75.0%	0.0%	0.0%	0.0%
Anne Arundel County	32.4%	14.9%	10.8%	25.7%	10.8%	5.4%
Baltimore County	51.9%	7.7%	9.6%	3.8%	21.2%	5.8%
Calvert County	39.0%	9.8%	7.3%	12.2%	19.5%	12.2%
Caroline County	19.4%	13.9%	33.3%	16.7%	13.9%	2.8%
Carroll County	22.4%	40.8%	10.5%	9.2%	13.2%	3.9%
Cecil County	45.7%	34.3%	17.1%	0.0%	0.0%	2.9%
Charles County	22.2%	38.9%	13.0%	3.7%	16.7%	5.6%
Dorchester County	45.5%	9.1%	45.5%	0.0%	0.0%	0.0%
Frederick County	39.2%	5.9%	37.3%	0.0%	9.8%	7.8%
Garrett County	20.0%	0.0%	40.0%	26.7%	0.0%	13.3%
Harford County	53.7%	14.9%	11.9%	1.5%	10.4%	7.5%
Howard County	18.6%	58.1%	18.6%	2.3%	0.0%	2.3%
Kent County	7.3%	26.8%	29.3%	22.0%	7.3%	7.3%
Montgomery County	71.1%	10.4%	3.0%	3.0%	8.9%	3.7%
Prince George's County	46.5%	15.1%	17.4%	11.6%	5.8%	3.5%
Queen Anne's County	10.3%	13.8%	20.7%	31.0%	6.9%	17.2%
St. Mary's County	11.0%	42.7%	9.8%	9.8%	3.7%	23.2%
Somerset County	17.6%	35.3%	23.5%	17.6%	5.9%	0.0%
Talbot County	30.0%	28.3%	33.3%	1.7%	1.7%	5.0%
Washington County	42.3%	9.3%	8.2%	19.6%	11.3%	9.3%
Wicomico County	47.5%	12.5%	32.5%	5.0%	0.0%	2.5%
Worcester County	48.4%	22.6%	12.9%	9.7%	3.2%	3.2%
Baltimore City	56.7%	18.3%	13.3%	3.3%	6.7%	1.7%

\*p<.05, \*\*p<.01, \*\*\*p<.001

## CONCLUSIONS

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In summary, Maryland's federally-mandated case record review has once again revealed that the majority of orders are written according to the child support guidelines. Deviations occurred in approximately one out of five cases with orders established or modified between 2002 and 2006, and most deviations were downward. In general, the reason for deviation was documented either within the order or on the corresponding guidelines worksheet. In more than one-half of all deviations, the only reason given for the deviation was an agreement between the custodian and non-custodial parent. We also find that the guidelines are applied equally among new and modified orders, that deviations are more likely to occur as adjusted family income increases, and that there is substantial variability in deviations across jurisdictions.

These findings are consistent with those reported in previous reviews, with one notable exception. Compared with the 2004 review, we find that the percent of deviation cases without a documented deviation reason decreased and that the percent of deviation cases where the only deviation reason listed is an agreement of the parties increased. Although deviations are allowed in cases with pre-existing separation agreements, there was rarely any documentation in the order or worksheet as to whether the agreement was pre-existing or not, whether the pre-existing agreement specified support in a particular amount, or how the deviation served the best interests of the child(ren). It is likely that these deliberations occurred during the order establishment process, but were not documented in the final order or worksheet. Nonetheless, we suggest CSEA consider whether there should be clarification on when an agreement between parties may be used as an acceptable rebuttal to the presumption of the guidelines and whether documentation should be included on the guidelines worksheet.

The current review also includes two new findings that were not available in previous reviews. The first is that some jurisdictions are more likely than others to have cases with family income below or above the existing schedule, although the vast majority of IV-D cases do have total adjusted family income that falls within the current child support schedule. Second, we find that approximately one out of seven (15.2%) cases report the rough equivalent of full-time minimum wage as the obligor's income. This finding may indicate a relatively high rate of attributing income. Maryland law specifies that potential (i.e. attributed) income should only be used if a parent is voluntarily impoverished [Md. Family Law Code §12-204(b)], and CSEA policy specifies that full-time minimum wage should be attributed when a parent has minimal skills or no work history (CSEA Policy Manual Section F.205). Thus study findings seem to suggest that the prevailing view is that earnings below full-time minimum wage automatically qualify as voluntary impoverishment. If that is not the position of CSEA, we recommend policy clarification be provided to local child support offices as to how and under what circumstances a determination of voluntary impoverishment should be made.

Overall, the findings of this fourth case-level review indicate that, on the whole, the child support guidelines are followed carefully and consistently in Maryland. However, largely because the current, outmoded schedule does not reflect current economic and income realities, there continue to be families for whom the current guidelines are deemed unjust or inappropriate, or are simply unavailable. In light of this situation, we applaud

CSEA's recent collaborative participation with judges, legislators, members of the private bar, and others in crafting legislation to update the guidelines in Maryland. In particular, guidelines are needed for families earning more than \$10,000 per month in adjusted family income, and for families with additional children in the home or various forms of in-kind support. The proposed updates to the guidelines schedule should help standardize support for more families and ultimately benefit the Maryland children served by our state's child support program.

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## APPENDIX A. SAMPLE WEIGHTS

Jurisdiction	Statewide Analysis (Findings I)		Order Type Analysis (Findings II)	
	New	Mod	New	Mod
Allegany County	0.54	0.39	0.45	0.62
Anne Arundel County	1.16	2.77	0.96	4.41
Baltimore County	1.80	2.16	1.49	3.43
Calvert County	0.57	0.28	0.48	0.44
Caroline County	0.32	0.26	0.26	0.42
Carroll County	0.51	0.33	0.42	0.52
Cecil County	0.68	0.57	0.56	0.91
Charles County	0.84	0.48	0.70	0.77
Dorchester County	0.41	0.38	0.34	0.61
Frederick County	1.07	0.58	0.89	0.93
Garrett County	0.28	0.17	0.23	0.27
Harford County	0.85	0.72	0.70	1.15
Howard County	0.69	0.34	0.57	0.54
Kent County	0.24	0.16	0.20	0.25
Montgomery County	2.22	0.92	1.85	1.47
Prince George's County	3.92	1.40	3.26	2.23
Queen Anne's County	0.31	0.16	0.26	0.25
St. Mary's County	0.61	0.39	0.51	0.62
Somerset County	0.35	0.26	0.29	0.41
Talbot County	0.28	0.20	0.24	0.32
Washington County	1.20	0.81	1.00	1.30
Wicomico County	0.78	0.34	0.65	0.54
Worcester County	0.31	0.30	0.26	0.47
Baltimore City	5.90	1.93	4.90	3.07