

## § 4-203. Rebuttable presumption.

The child support guidelines shall be applied as a rebuttable presumption. All orders for child support obligations shall be established in accordance with the provisions of the guidelines unless the court finds that one or both parties have produced sufficient evidence to rebut the presumption that the guidelines should be applied. All stipulated agreements for child support must be reviewed against the guidelines and if a deviation exists and is approved by the court, specific findings giving the reason for the deviation must be made. Findings must state the amount of support that would have been required under the guidelines and include a justification of why the order varies from the guidelines. Deviations must take into consideration the best interests of the child. In the event of a deviation, the reason for the deviation shall be contained in the findings portion of the decree or order, or worksheet 5 should be completed by the court and filed in the court file. Deviations from the guidelines are permissible under the following circumstances:

(A) When there are extraordinary medical costs of either parent or child;

(B) when special needs of a disabled child exist;

(C) if total net income exceeds \$20,000 monthly, child support for amounts in excess of \$20,000 monthly may be more but shall not be less than the amount which would be computed using the \$20,000 monthly income unless other permissible deviations exist. To assist the court and not as a rebuttable presumption, the court may use the amount at \$20,000 plus: 10 percent of net income above \$20,000 for one, two, and three children; 12 percent of net income above \$20,000 for four children; 13 percent of net income for five children; and 14 percent of net income for six children. For example, if the combined net parental income is \$30,000 monthly and there is one child, the schedule amount at \$20,000 is \$2,282. Ten percent of the net income above \$20,000 is \$2,000 (\$20,000 times .10). Therefore, the basic obligation is \$4,282 (\$2,282 plus \$2,000). If the obligor's share of the total net income is 85 percent, the obligor's share of the support is \$3,640 (\$4,282 times .85).

(D) for juveniles placed in foster care; or

(E) whenever the application of the guidelines in an individual case would be unjust or inappropriate.

All orders for child support, including modifications, must include a basic income and support calculation worksheet 1, and if used, worksheet 2 or 3.

*Paragraph C amended Dec. 23, 1992; amended effective Jan. 1, 1996; amended effective July 1, 2007. Renumbered and codified as § 4-203, effective July 18, 2008; § 4-203(C) amended July 13, 2011, effective September 1, 2011.; § 4-203(C) amended September 25, 2019, effective January 1, 2020.*

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