

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 422

(Delegates Simmons and Dumais)

Judiciary

Judicial Proceedings

---

**Alimony and Child Support - Exemption from Execution on a Judgment**

---

This bill exempts from execution on a judgment money payable or paid for child support or, to the extent that wages are exempt from attachment, alimony.

---

**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with existing resources.

**Local Effect:** The bill's requirements could be handled with existing resources.

**Small Business Effect:** Minimal.

---

**Analysis**

**Current Law:** A "money judgment" is a judgment that a specified amount of money is immediately payable to the judgment creditor. A money judgment constitutes a lien on the debtor's interest in real or personal property located where the judgment was rendered. A judgment may be executed by a writ. A sheriff or constable may then seize the legal or equitable interest of the debtor in real or personal property. A writ of execution on a money judgment does not become a lien on the personal property of the debtor until an actual levy is made. The lien then extends only to the property included in the levy. In general, the following items are exempt from execution on a money judgment:

- wearing apparel, books, tools, instruments or appliances up to \$5,000 in value that are necessary for the practice of any trade or profession except for those items kept for sale, lease, or barter;
- money payable in the event of the sickness, accident, injury or death of any person, including compensation, for loss of future earnings. The exemption includes money payable for judgments, arbitrations, compromises, insurance benefits, compensation, and relief. The exemption does not include disability income benefits if the judgment is for necessities after the occurrence of the disability;
- professionally prescribed health aids for the debtor or any of the debtor's dependents;
- up to \$1,000 in value in household furnishings and goods, wearing apparel, appliances, books, pets and other items held primarily for personal, family, or household use of the debtor or any dependent of the debtor; and
- cash or property valued at \$6,000, if within 30 days from the date of attachment or levy by the sheriff, the debtor elects to exempt cash or selected property items up to a cumulative value of \$6,000.

Under the Commercial Law Article, the following are exempt from attachment: (1) except as provided below, the greater of: ● the product of \$145 multiplied by the number of weeks in which the wages due were earned; or ● 75% of the disposable wages due; or (2) in Caroline, Kent, Queen Anne's, and Worcester counties, for each workweek, the greater of: ● 75% of the disposable wages due; or ● 30 times the federal minimum hourly wages under the Fair Labor Standards Act in effect at the time the wages are due.

**Background:** Federal law provides that child support is exempt from attachment for a parent's debts. Alimony currently is not protected from collection under federal law. This subjects the entire amount of an alimony recipient's support to collection. While Maryland law requires lenders to consider reported alimony when determining loan eligibility of an applicant, the alimony is subject to garnishment.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Judiciary (Administrative Office of the Courts, Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2007  
mam/jr Revised - House Third Reader - March 22, 2007

---

Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510