
**By: Senators Green, Baker, Madden, Stone, Forehand, Colburn, Haines, Hughes,
Jimeno, Middlebrooks, Hollinger, and Kelley**

Introduced and read first time: January 23, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Support Enforcement - Contempt**

3 FOR the purpose of establishing that in certain contempt proceedings for failure to pay
4 court-ordered child or spousal support, the court may find the obligor in contempt
5 based on the failure to pay support; authorizing an obligor to rebut a finding of
6 contempt under certain circumstances; authorizing the court to defer a sentence of
7 incarceration for a determinate period of time with an appropriate purge condition;
8 requiring the court to find the obligor in contempt and impose a sentence of
9 incarceration if the obligor fails to comply with the conditions for purging contempt;
10 and generally relating to enforcement of child and spousal support.

11 BY adding to

12 Article - Family Law
13 Section 10-102.1
14 Annotated Code of Maryland
15 (1991 Replacement Volume and 1996 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Family Law**

19 10-102.1.

20 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN A
21 PROCEEDING FOR CONSTRUCTIVE CIVIL CONTEMPT FOR FAILURE TO PAY CHILD
22 OR SPOUSAL SUPPORT UNDER A COURT ORDER, A COURT MAY FIND THE OBLIGOR
23 IN CONTEMPT BASED ON THE FAILURE TO PAY SUPPORT.

24 (2) AN OBLIGOR MAY REBUT A FINDING OF CONTEMPT BY A
25 PREPONDERANCE OF EVIDENCE THAT THE OBLIGOR:

26 (I) NEVER HAD THE ABILITY TO PAY MORE THAN THE AMOUNT
27 ACTUALLY PAID FROM THE DATE OF THE SUPPORT ORDER THROUGH THE DATE OF
28 THE CONTEMPT HEARING;

2

1 (II) MADE REASONABLE EFFORTS TO BECOME OR REMAIN
2 EMPLOYED OR OTHERWISE LAWFULLY OBTAIN THE FUNDS NECESSARY TO MAKE
3 PAYMENT;

4 (III) LACKS PERSONAL OR REAL PROPERTY THAT CAN BE SOLD,
5 MORTGAGED, OR PLEDGED TO RAISE THE NEEDED SUM;

6 (IV) HAS NO OTHER SOURCE FROM WHICH THE SUM CAN BE
7 BORROWED OR SECURED; OR

8 (V) CANNOT, FOR SOME OTHER REASON, REASONABLY COMPLY
9 WITH THE ORDER.

10 (B) AFTER A FINDING OF CIVIL CONTEMPT, A COURT MAY DEFER, FOR A
11 DETERMINATE PERIOD OF TIME, A SENTENCE OF INCARCERATION WITH AN
12 APPROPRIATE PURGE PROVISION IN ORDER TO GIVE THE OBLIGOR AN
13 OPPORTUNITY TO REMEDY THE CONTEMPT BY:

14 (1) COMING INTO COMPLIANCE WITH THE ORDER FOR CHILD SUPPORT;

15 (2) SEEKING EMPLOYMENT OR EMPLOYMENT TRAINING AND
16 PERIODICALLY REPORTING TO THE COURT ALL EFFORTS TO FIND EMPLOYMENT;
17 OR

18 (3) TAKING ANY OTHER ACTION THAT, IN THE COURT'S DISCRETION,
19 REASONABLY DEMONSTRATES THAT THE OBLIGOR WILL COMPLY WITH, OR WILL
20 REGAIN THE ABILITY TO COMPLY WITH, THE ORDER FOR SUPPORT.

21 (C) IF THE OBLIGOR FAILS TO COMPLY WITH THE CONDITIONS FOR PURGING
22 CONTEMPT, THE COURT SHALL IMMEDIATELY FIND THE OBLIGOR IN CONTEMPT
23 UNDER THIS SECTION AND IMPOSE A SANCTION OF INCARCERATION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1997.