
**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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1997

CHAPTER _____

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~~ prohibiting the
6 court from making a finding of contempt under certain circumstances; authorizing
7 the court to defer a sentence of incarceration for a determinate period of time with
8 an appropriate purge condition; requiring the court to ~~find the obligor in contempt~~
9 ~~and~~ impose a sentence of incarceration if the obligor fails to comply with the
10 conditions for purging contempt; and generally relating to enforcement of child and
11 spousal support.

12 BY adding to

13 Article - Family Law

14 Section 10-102.1

15 Annotated Code of Maryland

16 (1991 Replacement Volume and 1996 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Family Law**

20 10-102.1.

21 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT AS
22 PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN A PROCEEDING FOR
23 CONSTRUCTIVE CIVIL CONTEMPT FOR FAILURE TO PAY CHILD OR SPOUSAL

2
1 SUPPORT UNDER A COURT ORDER, A COURT MAY FIND THE OBLIGOR IN CONTEMPT
2 BASED ON THE FAILURE TO PAY SUPPORT.

3 (2) ~~AN OBLIGOR MAY REBUT A FINDING OF CONTEMPT~~ THE COURT
4 MAY NOT MAKE A FINDING OF CONTEMPT IF THE OBLIGOR PROVES BY A
5 PREPONDERANCE OF EVIDENCE THAT THE OBLIGOR:

6 (I) NEVER HAD THE ABILITY TO PAY MORE THAN THE AMOUNT
7 ACTUALLY PAID FROM THE DATE OF THE SUPPORT ORDER THROUGH THE DATE OF
8 THE CONTEMPT HEARING;

9 (II) MADE REASONABLE EFFORTS TO BECOME OR REMAIN
10 EMPLOYED OR OTHERWISE LAWFULLY OBTAIN THE FUNDS NECESSARY TO MAKE
11 PAYMENT;

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

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

16 (V) CANNOT, FOR SOME OTHER REASON, REASONABLY COMPLY
17 WITH THE ORDER.

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

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

23 (2) SEEKING EMPLOYMENT OR EMPLOYMENT TRAINING AND
24 PERIODICALLY REPORTING TO THE COURT ALL EFFORTS TO FIND EMPLOYMENT;
25 OR

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

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

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

