
By: **Delegates Montague, R. Baker, Doory, and T. Murphy**
Introduced and read first time: February 9, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support - Date of Award**

3 FOR the purpose of prohibiting a court from considering certain factors in
4 determining the date of a child support award; prohibiting a court from giving
5 credit for child support payments made before the filing of the pleading that
6 requests child support; providing for the application of this Act; and generally
7 relating to the award of child support.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 12-101(a) and (b)
11 Annotated Code of Maryland
12 (1991 Replacement Volume and 1997 Supplement)

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

15 **Article - Family Law**

16 12-101.

17 (a) (1) Unless the court finds from the evidence that the amount of the
18 award will produce an inequitable result, for an initial pleading that requests child
19 support pendente lite, the court shall award child support for a period from the filing
20 of the pleading that requests child support.

21 (2) Notwithstanding paragraph (1) of this subsection, unless the court
22 finds from the evidence that the amount of the award will produce an inequitable
23 result, for an initial pleading filed by a child support agency that requests child
24 support, the court shall award child support for a period from the filing of the
25 pleading that requests child support.

26 (3) IN DETERMINING WHETHER THE AMOUNT OF THE AWARD WILL
27 PRODUCE AN INEQUITABLE RESULT UNDER PARAGRAPH (1) OR (2) OF THIS
28 SUBSECTION, THE COURT MAY NOT CONSIDER FACTORS THAT PREDATE THE FILING

1 OF THE INITIAL PLEADING THAT REQUESTS CHILD SUPPORT, INCLUDING ANY CHILD
2 CUSTODY ORDER OR AGREEMENT BETWEEN THE PARTIES OR ANY PAYMENTS OR
3 LACK OF PAYMENTS BY EITHER PARTY ON BEHALF OF THE CHILD.

4 (4) For any other pleading that requests child support, the court may
5 award child support for a period from the filing of the pleading that requests child
6 support.

7 (b) (1) The court shall give credit for payments that the court finds have
8 been made during the period beginning from the filing of the pleading that requests
9 child support.

10 (2) THE COURT MAY NOT GIVE CREDIT FOR PAYMENTS THAT THE COURT
11 FINDS HAVE BEEN MADE BEFORE THE FILING OF THE PLEADING THAT REQUESTS
12 CHILD SUPPORT.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
14 to cases filed on or after the effective date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1998.