
By: **Senators Exum, Conway, Lawlah, and Forehand**

Introduced and read first time: January 24, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support Awards and Child Support Enforcement**

3 FOR the purpose of requiring the court to order an unemployed obligor that has failed
4 to pay child support to perform community service; requiring the number of
5 hours of community service ordered by the court under this Act to be determined
6 in a certain manner; requiring the court in a paternity proceeding to award child
7 support for a certain period prior to the date paternity is established or, if the
8 child's birth is within a certain period prior to the date paternity is established,
9 from the date of the child's birth; providing for the application of this Act; and
10 generally relating to child support awards and child support enforcement.

11 BY adding to
12 Article - Family Law
13 Section 10-104
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Family Law
18 Section 12-101(a)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 1999 Supplement)

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

23 **Article - Family Law**

24 10-104.

25 (A) IF AN OBLIGOR WHO HAS FAILED TO COMPLY WITH AN ORDER REQUIRING
26 THE PAYMENT OF CHILD SUPPORT IS UNEMPLOYED, IN ADDITION TO ANY OTHER
27 REMEDY AVAILABLE, THE COURT SHALL ORDER THE OBLIGOR TO PERFORM
28 COMMUNITY SERVICE.

1 (B) THE NUMBER OF HOURS OF COMMUNITY SERVICE ORDERED BY THE
2 COURT UNDER THIS SECTION SHALL BE DETERMINED BY THE COURT IN A MANNER
3 THAT REQUIRES A SIGNIFICANT AMOUNT OF HOURS OF COMMUNITY SERVICE BE
4 PERFORMED WHILE ALLOWING THE OBLIGOR AN APPROPRIATE AMOUNT OF TIME TO
5 SEEK EMPLOYMENT.

6 12-101.

7 (a) (1) [Unless the court finds from the evidence that the amount of the
8 award will produce an inequitable result, for an initial pleading that requests child
9 support pendente lite, the court shall award child support for a period from the filing
10 of the pleading that requests child support.

11 (2) Notwithstanding paragraph (1) of this subsection, unless the court
12 finds from the evidence that the amount of the award will produce an inequitable
13 result, for an initial pleading filed by a child support agency that requests child
14 support, the court shall award child support for a period from the filing of the
15 pleading that requests child support.

16 (3) For any other pleading that requests child support,] EXCEPT AS
17 PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, the court may award
18 child support for a period from the filing of the pleading that requests child support.

19 (2) UNLESS THE COURT FINDS FROM THE EVIDENCE THAT THE
20 AMOUNT OF THE AWARD WILL PRODUCE AN INEQUITABLE RESULT, THE COURT
21 SHALL AWARD CHILD SUPPORT FOR A PERIOD FROM THE FILING OF THE PLEADING
22 THAT REQUESTS CHILD SUPPORT:

23 (I) FOR AN INITIAL PLEADING THAT REQUESTS CHILD SUPPORT
24 PENDENTE LITE; OR

25 (II) FOR AN INITIAL PLEADING FILED BY A CHILD SUPPORT
26 AGENCY THAT REQUESTS CHILD SUPPORT.

27 (3) UNLESS THE COURT FINDS FROM THE EVIDENCE THAT THE
28 AMOUNT OF THE AWARD WILL PRODUCE AN INEQUITABLE RESULT IN A PATERNITY
29 PROCEEDING, THE COURT SHALL AWARD CHILD SUPPORT FOR:

30 (I) A PERIOD 1 YEAR PRIOR TO THE DATE THAT PATERNITY IS
31 ESTABLISHED; OR

32 (II) IF THE CHILD'S BIRTH IS WITHIN 1 YEAR PRIOR TO THE DATE
33 PATERNITY IS ESTABLISHED, A PERIOD FROM THE CHILD'S DATE OF BIRTH.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
35 construed only prospectively and may not be applied or interpreted to have any effect
36 on or application to any actions to enforce a duty of child support or paternity
37 proceedings filed before the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.