

SENATE BILL 176

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2000 Regular Session
0lr1381

By: ~~Senators Exum, Conway, Lawlah, and Forehand~~ **Forehand, Baker, Green, Ferguson, Mooney, Colburn, Haines, Mitchell, and Jimeno**

Introduced and read first time: January 24, 2000

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2000

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Child Support Awards and ~~Child Support Enforcement~~ -**
3 **Paternity Proceedings**

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

13 ~~BY adding to~~
14 ~~Article - Family Law~~
15 ~~Section 10-104~~
16 ~~Annotated Code of Maryland~~
17 ~~(1999 Replacement Volume and 1999 Supplement)~~

18 BY repealing and reenacting, with amendments,
19 Article - Family Law
20 Section 12-101(a)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 1999 Supplement)

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

3 **Article - Family Law**

4 ~~10-104.~~

5 ~~(A) IF AN OBLIGOR WHO HAS FAILED TO COMPLY WITH AN ORDER REQUIRING~~
6 ~~THE PAYMENT OF CHILD SUPPORT IS UNEMPLOYED, IN ADDITION TO ANY OTHER~~
7 ~~REMEDY AVAILABLE, THE COURT SHALL ORDER THE OBLIGOR TO PERFORM~~
8 ~~COMMUNITY SERVICE.~~

9 ~~(B) THE NUMBER OF HOURS OF COMMUNITY SERVICE ORDERED BY THE~~
10 ~~COURT UNDER THIS SECTION SHALL BE DETERMINED BY THE COURT IN A MANNER~~
11 ~~THAT REQUIRES A SIGNIFICANT AMOUNT OF HOURS OF COMMUNITY SERVICE BE~~
12 ~~PERFORMED WHILE ALLOWING THE OBLIGOR AN APPROPRIATE AMOUNT OF TIME TO~~
13 ~~SEEK EMPLOYMENT.~~

14 12-101.

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

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

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

27 (2) UNLESS THE COURT FINDS FROM THE EVIDENCE THAT THE
28 AMOUNT OF THE AWARD WILL PRODUCE AN INEQUITABLE RESULT, THE COURT
29 SHALL AWARD CHILD SUPPORT FOR A PERIOD FROM THE FILING OF THE PLEADING
30 THAT REQUESTS CHILD SUPPORT:

31 (I) FOR AN INITIAL PLEADING THAT REQUESTS CHILD SUPPORT
32 PENDENTE LITE; OR

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

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

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

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

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

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