

HOUSE BILL 1402

D4

2lr3202

By: **Delegates Tarrant, Minnick, Stukes, and Wood**

Introduced and read first time: February 27, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Contempt Orders – Veterans and Service Members**

3 FOR the purpose of prohibiting a court from imprisoning a certain veteran or service
4 member of the United States armed forces for contempt for failure to make a
5 payment of child support under a court order; providing for the application of
6 this Act; defining certain terms; and generally relating to the failure to make a
7 payment of child support under a court order.

8 BY adding to

9 Article – Family Law

10 Section 10–104

11 Annotated Code of Maryland

12 (2006 Replacement Volume and 2011 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 **10–104.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
18 **MEANINGS INDICATED.**

19 **(2) “DEPLOYMENT” MEANS A SERVICE MEMBER’S DEPARTURE**
20 **FROM THE SERVICE MEMBER’S HOME STATION ON MILITARY ORDERS FOR A**
21 **PERIOD OF AT LEAST 12 MONTHS.**

22 **(3) “HOMELESS” MEANS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) LACKING A FIXED, REGULAR, AND ADEQUATE**
2 **NIGHTTIME RESIDENCE; OR**

3 **(II) HAVING A PRIMARY NIGHTTIME RESIDENCE THAT IS:**

4 **1. A SUPERVISED PUBLICLY OR PRIVATELY**
5 **OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING**
6 **ACCOMMODATIONS; OR**

7 **2. A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR**
8 **OR ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN**
9 **BEINGS.**

10 **(4) "VETERAN" MEANS AN INDIVIDUAL WHO SERVED ON ACTIVE**
11 **DUTY IN THE ARMED FORCES OF THE UNITED STATES, OTHER THAN FOR**
12 **TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER**
13 **THAN DISHONORABLE.**

14 **(B) THIS SECTION APPLIES TO A VETERAN OR SERVICE MEMBER OF ANY**
15 **BRANCH OF THE ARMED FORCES OF THE UNITED STATES WHO:**

16 **(1) RETURNED FROM A DEPLOYMENT WITHIN THE LAST 12**
17 **MONTHS; AND**

18 **(2) (I) HAS BEEN CERTIFIED BY THE U.S. DEPARTMENT OF**
19 **VETERANS AFFAIRS AS HAVING A SERVICE-CONNECTED DISABILITY**
20 **REGARDLESS OF THE DISABILITY RATING;**

21 **(II) HAS BEEN DIAGNOSED BY A LICENSED PROFESSIONAL**
22 **WITH A DISEASE OR DISORDER RELATED TO THE PERSON'S SERVICE IN THE**
23 **ARMED FORCES;**

24 **(III) IS HOMELESS; OR**

25 **(IV) IS NOT EMPLOYED FULL TIME BUT IS SEEKING**
26 **FULL-TIME EMPLOYMENT.**

27 **(C) A COURT MAY NOT IMPRISON A VETERAN OR SERVICE MEMBER FOR**
28 **CONTEMPT FOR FAILURE TO MAKE A PAYMENT OF CHILD SUPPORT UNDER A**
29 **COURT ORDER.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2012.