

Maryland Divorce Laws

Article - Family Law

TITLE 1. DEFINITIONS; GENERAL PROVISIONS

Subtitle 2. General Provisions.

§ 1-201. Jurisdiction of equity court.

- (a) In general.- An equity court has jurisdiction over:
- (1) adoption of a child, except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;
 - (2) alimony;
 - (3) annulment of a marriage;
 - (4) divorce;
 - (5) custody or guardianship of a child except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;
 - (6) visitation of a child;
 - (7) legitimation of a child;
 - (8) paternity; and
 - (9) support of a child.
- (b) Custody, visitation, guardianship, or support of child.- In exercising its jurisdiction over the custody, guardianship, visitation, or support of a child, an equity court may:
- (1) direct who shall have the custody or guardianship of a child, pendente lite or permanently;
 - (2) determine who shall have visitation rights to a child;
 - (3) decide who shall be charged with the support of the child, pendente lite or permanently;
 - (4) from time to time, set aside or modify its decree or order concerning the child; or
 - (5) issue an injunction to protect a party to the action from physical harm or harassment.
- (c) Jurisdiction of juvenile or criminal court not affected.- This section does not take away or impair the jurisdiction of a juvenile court or a criminal court with respect to the custody, guardianship, visitation, and support of a child.

§ 1-202. Appointment of counsel for minor.

In an action in which custody, visitation rights, or the amount of support of a minor child is contested, the court may:

- (1) appoint to represent the minor child counsel who may not represent any party to the action; and
- (2) impose against either or both parents counsel fees.

§ 1-203. Special provisions of alimony, annulment, and divorce.

- (a) Injunctive power of court.- In an action for alimony, annulment, or divorce, an equity court:
- (1) has all the powers of a court of equity; and
 - (2) may issue an injunction to protect any party to the action from physical harm or harassment.
- (b) Lis pendens.- Unless the court expressly provides otherwise, the filing of an action for an annulment, a limited divorce, or an absolute divorce does not constitute lis pendens with respect to any property of a party.
- (c) Oral testimony required for final decree.- In an action for alimony, annulment, or divorce, a final decree may not be entered except on oral testimony by the plaintiff in a hearing before an examiner or a master or in open court.
- (d) Scope of alimony hearing and determination.- An equity court shall hear and determine a case for alimony in as full and ample a manner as a case for alimony could be heard and determined by the Ecclesiastical Courts of England.

TITLE 2. MARRIAGE

Subtitle 1. Definitions.

§ 2-101. Definitions.

- (a) In general.- In this title the following words have the meanings indicated.
- (b) Authorized official.- "Authorized official" means an individual authorized by the laws of this State to perform a marriage ceremony.
- (c) Clerk.- "Clerk" means a clerk of the circuit court for a county.
- (d) License.- "License" means a license to marry issued in this State.

Subtitle 2. Valid Marriages; Void Marriages.

§ 2-201. Valid marriages.

Only a marriage between a man and a woman is valid in this State.

§ 2-202. Marriages within certain degrees of relationship void; penalties.

- (a) In general.- Any marriage performed in this State that is prohibited by this section is void.
- (b) Marriages within 3 degrees of direct lineal consanguinity or within first degree of collateral consanguinity prohibited; penalties.-
 - (1) A man may not marry his:
 - (i) grandmother;
 - (ii) mother;
 - (iii) daughter;
 - (iv) sister; or
 - (v) granddaughter.
 - (2) A woman may not marry her:
 - (i) grandfather;
 - (ii) father;
 - (iii) son;
 - (iv) brother; or
 - (v) grandson.
 - (3) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$1,500.
- (c) Certain marriages within other degrees of affinity or consanguinity prohibited; penalties.-
 - (1) A man may not marry his:
 - (i) grandfather's wife;
 - (ii) wife's grandmother;
 - (iii) father's sister;
 - (iv) mother's sister;
 - (v) stepmother;
 - (vi) wife's mother;
 - (vii) wife's daughter;
 - (viii) son's wife;
 - (ix) grandson's wife;
 - (x) wife's granddaughter;
 - (xi) brother's daughter; or
 - (xii) sister's daughter.
 - (2) A woman may not marry her:
 - (i) grandmother's husband;
 - (ii) husband's grandfather;
 - (iii) father's brother;
 - (iv) mother's brother;
 - (v) stepfather;
 - (vi) husband's father;
 - (vii) husband's son;
 - (viii) daughter's husband;
 - (ix) husband's grandson;
 - (x) brother's son;
 - (xi) sister's son; or

(xii) granddaughter's husband.

(3) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$500.

TITLE 7. DIVORCE

§ 7-101. General provisions.

(a) Residence requirement.- If the grounds for the divorce occurred outside of this State, a party may not apply for a divorce unless 1 of the parties has resided in this State for at least 1 year before the application is filed.

(b) Corroboration of testimony required.- A court may not enter a decree of divorce on the uncorroborated testimony of the party who is seeking the divorce.

§ 7-102. Limited divorce.

(a) Grounds for limited divorce.- The court may decree a limited divorce on the following grounds:

(1) cruelty of treatment of the complaining party or of a minor child of the complaining party;
(2) excessively vicious conduct to the complaining party or to a minor child of the complaining party;

(3) desertion; or

(4) voluntary separation, if:

(i) the parties are living separate and apart without cohabitation; and
(ii) there is no reasonable expectation of reconciliation.

(b) Attempts at reconciliation.- As a condition precedent to granting a decree of limited divorce, the court may:

(1) require the parties to participate in good faith in the efforts to achieve reconciliation that the court prescribes; and

(2) assess the costs of any efforts to achieve reconciliation that the court prescribes.

(c) Time during which decree is effective.- The court may decree a divorce under this section for a limited time or for an indefinite time.

(d) Revocation of decree.- The court that granted a decree of limited divorce may revoke the decree at any time on the joint application of the parties.

(e) Decree of limited divorce on prayer for absolute divorce.- If an absolute divorce is prayed and the evidence is sufficient to entitle the parties to a limited divorce, but not to an absolute divorce, the court may decree a limited divorce.

§ 7-103. Absolute divorce.

(a) Grounds for absolute divorce.- The court may decree an absolute divorce on the following grounds:

(1) adultery;

(2) desertion, if:

(i) the desertion has continued for 12 months without interruption before the filing of the application for divorce;

(ii) the desertion is deliberate and final; and

(iii) there is no reasonable expectation of reconciliation;

(3) voluntary separation, if:

(i) the parties voluntarily have lived separate and apart without cohabitation for 12 months without interruption before the filing of the application for divorce; and

(ii) there is no reasonable expectation of reconciliation;

(4) conviction of a felony or misdemeanor in any state or in any court of the United States if before the filing of the application for divorce the defendant has:

(i) been sentenced to serve at least 3 years or an indeterminate sentence in a penal institution; and

(ii) served 12 months of the sentence;

(5) 2-year separation, when the parties have lived separate and apart without cohabitation for 2 years without interruption before the filing of the application for divorce;

(6) insanity if:

(i) the insane spouse has been confined in a mental institution, hospital, or other similar institution for at least 3 years before the filing of the application for divorce;

(ii) the court determines from the testimony of at least 2 physicians who are competent in psychiatry that the insanity is incurable and there is no hope of recovery; and

(iii) 1 of the parties has been a resident of this State for at least 2 years before the filing of the application for divorce;

(7) cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; or

(8) excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

(b) Recrimination.- Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a) (1) through (8) of this section, but is a factor to be considered by the court in a case involving the ground of adultery.

(c) Res judicata.- Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of 2-year separation.

(d) Condonation.- Condonation is not an absolute bar to a decree of an absolute divorce on the ground of adultery, but is a factor to be considered by the court in determining whether the divorce should be decreed.

(e) Effect of limited divorce on application for absolute divorce.-

(1) A court may decree an absolute divorce even if a party has obtained a limited divorce.

(2) If a party obtained a limited divorce on the ground of desertion that at the time of the decree did not meet the requirements of subsection (a) (2) of this section, the party may obtain an absolute divorce on the ground of desertion when the desertion meets the requirements of subsection (a) (2) of this section.

§ 7-103.1. Protective orders.

(a) Inadmissible evidence.- An order or decision in a proceeding under Title 4, Subtitle 5 of this article is inadmissible as evidence in a proceeding under this title.

(b) Compliance not grounds.- In a proceeding under this title, a court may not consider compliance with an order issued under Title 4, Subtitle 5 of this article as grounds for granting a decree of limited or absolute divorce.

§ 7-103.2. Child support and custody educational seminar.

(a) Applicability.- This section applies to an action for divorce in which issues of child support, custody, or visitation are raised.

(b) Participation by all parties.- Prior to granting a decree of divorce, the court may require all parties to participate in an educational seminar that is designed to educate parents about the effects, and to minimize the disruption, of a divorce on the lives of children.

(c) Rules.-

(1) The Court of Appeals shall adopt rules to implement this section.

(2) Rules adopted in accordance with this subsection shall:

(i) provide for the content of the seminar required under this section;

(ii) require successful completion of the seminar by all parties to the action within a certain time after the service of the original complaint upon the defendant;

(iii) establish sanctions for failure to successfully complete the seminar required under this section;

(iv) for purposes of funding the cost of the seminar, establish a fee that:

1. shall be assessed as costs; and

2. may be waived under appropriate circumstances; and

(v) establish criteria for exemption from the requirement that the parties participate in an educational seminar, except that a court may not exempt the parties from attending the educational seminar if there is any evidence of domestic violence or child abuse or neglect.

(d) Contract to provide seminar.- The seminar required under this section may be provided under contract with a public or private agency.

(e) Seminar proceedings inadmissible in divorce proceedings.- Unless the parties stipulate otherwise, any information about a party, including statements or reports, obtained from an educational seminar required by this section, is not admissible during the action for divorce of that party.

(f) Attendance.- This section may not be construed to require the parties to an action for divorce to attend the educational seminar together.

§ 7-104. Offer or refusal of reconciliation.

- (a) Offer or attempt.- In and of itself neither of the following is a defense to or a bar to a divorce:
- (1) an unaccepted offer of reconciliation by a spouse; or
 - (2) a rejected attempt at reconciliation by a spouse.
- (b) Refusal or rejection.- In and of itself neither of the following is a defense to, a bar to, or a ground for a divorce:
- (1) the refusal of a spouse to accept an offer of reconciliation made by the other spouse; or
 - (2) the rejection by a spouse of an attempt at reconciliation made by the other spouse.

§ 7-105. Restoration of former name.

In granting a decree of absolute divorce, the court shall change the name of a party to either the name given the party at birth or any other former name the party wishes to use if:

- (1) the party took a new name on marriage and no longer wishes to use it;
- (2) the party asks for the change of name; and
- (3) the purpose of the party is not illegal, fraudulent, or immoral.

§ 7-106. Record of divorce decrees.

The clerk of the circuit court for each county shall record all final decrees in proceedings for divorce in that county and keep the record readily accessible in some permanent form.

§ 7-107. Award of reasonable and necessary expenses.

- (a) Definition.- In this section, "reasonable and necessary expense" includes:
- (1) suit money;
 - (2) counsel fees; and
 - (3) costs.
- (b) Award authorized.- At any point in a proceeding under this title, the court may order either party to pay to the other party an amount for the reasonable and necessary expense of prosecuting or defending the proceeding.
- (c) Considerations by court.- Before ordering the payment, the court shall consider:
- (1) the financial resources and financial needs of both parties; and
 - (2) whether there was substantial justification for prosecuting or defending the proceeding.
- (d) Lack of substantial justification and good cause.- Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party the reasonable and necessary expense of prosecuting or defending the proceeding.
- (e) Reimbursement.- The court may award reimbursement for any reasonable and necessary expense that has previously been paid.
- (f) Counsel fees.- As to any amount awarded for counsel fees, the court may:
- (1) order that the amount awarded be paid directly to the lawyer; and
 - (2) enter judgment in favor of the lawyer.

TITLE 8. DEEDS, AGREEMENTS, AND SETTLEMENTS BETWEEN SPOUSES; PROPERTY DISPOSITION IN DIVORCE AND ANNULMENT

Subtitle 1. Deeds, Agreements, and Settlements Between Spouses.

§ 8-101. Deeds, agreements, and settlements valid.

- (a) Deed or agreement.- A husband and wife may make a valid and enforceable deed or agreement that relates to alimony, support, property rights, or personal rights.
- (b) Settlement.- A husband and wife may make a valid and enforceable settlement of alimony, support, property rights, or personal rights.

§ 8-102. Deed or agreement not bar to divorce.

A deed or agreement between spouses is not a bar to an action for absolute or limited divorce, regardless of whether the deed or agreement was executed:

- (1) when the parties were living together or apart; or
- (2) before, after, or while there was a ground for divorce.

§ 8-103. Modification of deed, agreement, or settlement.

(a) Provision concerning children.- The court may modify any provision of a deed, agreement, or settlement with respect to the care, custody, education, or support of any minor child of the spouses, if the modification would be in the best interests of the child.

(b) Exception for provision concerning support of spouse.- The court may modify any provision of a deed, agreement, or settlement with respect to spousal support executed on or after January 1, 1976, regardless of how the provision is stated, unless there is a provision that specifically states that the provisions with respect to spousal support are not subject to any court modification.

(c) Certain exceptions for provision concerning alimony or support of spouse.- The court may modify any provision of a deed, agreement, or settlement with respect to alimony or spousal support executed on or after April 13, 1976, regardless of how the provision is stated, unless there is:

- (1) an express waiver of alimony or spousal support; or
- (2) a provision that specifically states that the provisions with respect to alimony or spousal support are not subject to any court modification.

§ 8-104. Voluntary separation agreement as corroboration of testimony.

In a suit for absolute divorce on the grounds of voluntary separation, a separation agreement is full corroboration of the plaintiff's testimony that the separation was voluntary if the agreement:

- (1) states that the spouses voluntarily agreed to separate; and
- (2) is executed under oath before the application for divorce is filed.

§ 8-105. Power of court to enforce or modify provisions.

(a) Enforcement by power of contempt.-

(1) The court may enforce by power of contempt the provisions of a deed, agreement, or settlement that are merged into a divorce decree.

(2) The court may enforce by power of contempt or as an independent contract not superseded by the divorce decree the provisions of a deed, agreement, or settlement that contain language that the deed, agreement, or settlement is incorporated but not merged into a divorce decree.

(b) Modification.- The court may modify any provision of a deed, agreement, or settlement that is:

- (1) incorporated, whether or not merged, into a divorce decree; and
- (2) subject to modification under § 8-103 of this subtitle.

SUBTITLE 2. PROPERTY DISPOSITION IN ANNULMENT AND DIVORCE

§ 8-201. Definitions.

(a) In general.- In this subtitle the following words have the meanings indicated.

(b) Child.- "Child" means a child:

- (1) under the age of 18 years; or
- (2) 18 years old or older and dependent on a parent because of mental or physical infirmity.

(c) Family home.-

(1) "Family home" means the property in this State that:

- (i) was used as the principal residence of the parties when they lived together;
- (ii) is owned or leased by 1 or both of the parties at the time of the proceeding; and
- (iii) is being used or will be used as a principal residence by 1 or both of the parties and a child.

(2) "Family home" does not include property:

- (i) acquired before the marriage;
- (ii) acquired by inheritance or gift from a third party; or

- (iii) excluded by valid agreement.
- (d) Family use personal property.-
 - (1) "Family use personal property" means tangible personal property:
 - (i) acquired during the marriage;
 - (ii) owned by 1 or both of the parties; and
 - (iii) used primarily for family purposes.
 - (2) "Family use personal property" includes:
 - (i) motor vehicles;
 - (ii) furniture;
 - (iii) furnishings; and
 - (iv) household appliances.
 - (3) "Family use personal property" does not include property:
 - (i) acquired by inheritance or gift from a third party; or
 - (ii) excluded by valid agreement.
- (e) Marital property.-
 - (1) "Marital property" means the property, however titled, acquired by 1 or both parties during the marriage.
 - (2) "Marital property" includes any interest in real property held by the parties as tenants by the entirety unless the real property is excluded by valid agreement.
 - (3) Except as provided in paragraph (2) of this subsection, "marital property" does not include property:
 - (i) acquired before the marriage;
 - (ii) acquired by inheritance or gift from a third party;
 - (iii) excluded by valid agreement; or
 - (iv) directly traceable to any of these sources.

§ 8-202. Ownership of personal and real property.

- (a) Determination of ownership.-
 - (1) When the court grants an annulment or a limited or absolute divorce, the court may resolve any dispute between the parties with respect to the ownership of personal property.
 - (2) When the court grants an annulment or an absolute divorce, the court may resolve any dispute between the parties with respect to the ownership of real property.
 - (3) Except as provided in § 8-205 of this subtitle, the court may not transfer the ownership of personal or real property from 1 party to the other.
- (b) Decree and order.- When the court determines the ownership of personal or real property, the court may:
 - (1) grant a decree that states what the ownership interest of each party is; and
 - (2) as to any property owned by both of the parties, order a partition or a sale instead of partition and a division of the proceeds.

§ 8-203. Marital property - Determination.

- (a) Time of court action.- In a proceeding for an annulment or an absolute divorce, if there is a dispute as to whether certain property is marital property, the court shall determine which property is marital property:
 - (1) when the court grants an annulment or an absolute divorce;
 - (2) within 90 days after the court grants an annulment or divorce, if the court expressly reserves in the annulment or divorce decree the power to make the determination; or
 - (3) after the 90-day period if:
 - (i) the court expressly reserves in the annulment or divorce decree the power to make the determination;
 - (ii) during the 90-day period, the court extends the time for making the determination; and
 - (iii) the parties consent to the extension.
- (b) Consideration of military pension.- In this subtitle, a military pension shall be considered in the same manner as any other pension or retirement benefit.
- (c) Exclusion of family home and family use personal property.- Repealed.

§ 8-204. Same - Valuation.

(a) Determination by court.- Except as provided in subsection (b) of this section, the court shall determine the value of all marital property.

(b) Retirement benefits.-

(1) The court need not determine the value of a pension, retirement, profit sharing, or deferred compensation plan, unless a party has given notice in accordance with paragraph (2) of this subsection that the party objects to a distribution of retirement benefits on an "if, as, and when" basis.

(2) If a party objects to the distribution of retirement benefits on an "if, as, and when" basis and intends to present evidence of the value of the benefits, the party shall give written notice at least 60 days before the date the joint statement of the parties concerning marital and nonmarital property is required to be filed under the Maryland Rules. If notice is not given in accordance with this paragraph, any objection to a distribution on an "if, as, and when" basis shall be deemed to be waived unless good cause is shown.

§ 8-205. Same - Award.

(a) Grant of award.-

(1) Subject to the provisions of subsection (b) of this section, after the court determines which property is marital property, and the value of the marital property, the court may transfer ownership of an interest in property described in paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment of the equities and rights of the parties concerning marital property, whether or not alimony is awarded.

(2) The court may transfer ownership of an interest in:

(i) a pension, retirement, profit sharing, or deferred compensation plan, from one party to either or both parties; and

(ii) subject to the consent of any lienholders, family use personal property, from one or both parties to either or both parties.

(b) Factors in determining amount and method of payment or terms of transfer.- The court shall determine the amount and the method of payment of a monetary award, or the terms of the transfer of the interest in property described in subsection (a)(2) of this section, or both, after considering each of the following factors:

(1) the contributions, monetary and nonmonetary, of each party to the well-being of the family;

(2) the value of all property interests of each party;

(3) the economic circumstances of each party at the time the award is to be made;

(4) the circumstances that contributed to the estrangement of the parties;

(5) the duration of the marriage;

(6) the age of each party;

(7) the physical and mental condition of each party;

(8) how and when specific marital property or interest in property described in subsection (a)(2) of this section, was acquired, including the effort expended by each party in accumulating the marital property or the interest in property described in subsection (a)(2) of this section, or both;

(9) the contribution by either party of property described in § 8-201(e)(3) of this subtitle to the acquisition of real property held by the parties as tenants by the entirety;

(10) any award of alimony and any award or other provision that the court has made with respect to family use personal property or the family home; and

(11) any other factor that the court considers necessary or appropriate to consider in order to arrive at a fair and equitable monetary award or transfer of an interest in property described in subsection (a)(2) of this section, or both.

(c) Award reduced to judgment.- The court may reduce to a judgment any monetary award made under this section, to the extent that any part of the award is due and owing.

§ 8-206. Family home; family use personal property - Legislative policy.

The court shall exercise its powers under §§ 8-207 through 8-213 of this subtitle:

(1) to enable any child of the family to continue to live in the environment and community that are familiar to the child; and

(2) to provide for the continued occupancy of the family home and possession and use of family use personal property by a party with custody of a child who has a need to live in that home.

§ 8-207. Same - Determination; order or decree; property not included.

(a) Determination.- In a proceeding for an annulment or a limited or absolute divorce, the court may determine which property is the family home and family use personal property:

- (1) before the court grants an annulment or a limited or absolute divorce; or
- (2) when the court grants an annulment or a limited or absolute divorce.

(b) Modification.- A preliminary or pendente lite determination is subject to modification during the pendency of the proceeding.

(c) Certain property to be treated as marital property.- If the court determines that there is no need for an order or decree issued under this section regarding the family home or all or any part of family use personal property, the property shall be treated as marital property if it otherwise would have been treated as marital property.

§ 8-208. Same - Award of possession and use; standards; order or decree; allocation of financial responsibilities.

(a) Award of possession and use.-

(1) When the court grants an annulment or a limited or absolute divorce, regardless of how the family home or family use personal property is titled, owned, or leased, the court may:

- (i) decide that 1 of the parties shall have the sole possession and use of that property; or
- (ii) divide the possession and use of the property between the parties.

(2) The court may exercise these powers pendente lite.

(b) Required considerations.- In awarding the possession and use of the family home and family use personal property, the court shall consider each of the following factors:

- (1) the best interests of any child;
- (2) the interest of each party in continuing:

(i) to use the family use personal property or any part of it, or to occupy or use the family home or any part of it as a dwelling place; or

(ii) to use the family use personal property or any part of it, or to occupy or use the family home or any part of it for the production of income; and

(3) any hardship imposed on the party whose interest in the family home or family use personal property is infringed on by an order issued under §§ 8-207 through 8-213 of this subtitle.

(c) Allocation of financial responsibilities.- The court may order or decree that either or both of the parties pay all or any part of:

- (1) any mortgage payments or rent;
- (2) any indebtedness that is related to the property;
- (3) the cost of maintenance, insurance, assessments, and taxes; or
- (4) any similar expenses in connection with the property.

(d) Effect of award of sole possession and use.- An order giving a party the sole possession and use of the family home under subsection (a) of this section does not affect the right of the other party to claim the family home as that party's principal residence for tax purposes.

§ 8-209. Same - Power of court over order or decree.

In a temporary or final order or decree, each provision that concerns the family home or family use personal property is subject, as the circumstances and justice may require, to:

- (1) the terms and conditions that the court sets;
- (2) the time limits that the court sets, subject to § 8-210 of this subtitle; and
- (3) modification or dissolution by the court.

§ 8-210. Same - Termination of order or decree.

(a) Time limitation.-

(1) In any order or decree, or any modification of an order or decree, a provision that concerns the family home or family use personal property shall terminate no later than 3 years after the date on which the court grants an annulment or a limited or absolute divorce.

(2) The 3-year limitation set out in paragraph (1) of this subsection applies to a limited divorce notwithstanding the subsequent granting of an absolute divorce.

(b) Remarriage of party with possession or use of property.- Subject to the provisions of subsection (a) of this section, in any order or decree, or any modification of an order or decree, a

provision that concerns the family home or family use personal property shall terminate when the party with the possession or use of the property remarries.

(c) Treatment of property.- When a provision that concerns the family home or family use personal property terminates, the court shall treat the property as marital property if the property qualifies as marital property, and adjust the equities and rights of the parties concerning the property as set out in § 8-205 of this subtitle.

§ 8-211. Same - Not evidence of constructive desertion.

An order, award, or decree under §§ 8-207 through 8-209 of this subtitle may not be considered as evidence of constructive desertion.

§ 8-212. Exercise of powers after foreign divorce or annulment.

If an annulment or a divorce has been granted by a court in a foreign jurisdiction, a court in this State may exercise the powers under this subtitle if:

- (1) 1 of the parties was domiciled in this State when the foreign proceeding was commenced; and
- (2) the court in the other jurisdiction lacked or did not exercise personal jurisdiction over the party domiciled in this State or jurisdiction over the property at issue.

§ 8-213. Enforcement.

(a) Enforcement under Maryland Rules.- Any order, award, or decree entered under this subtitle may be enforced under the Maryland Rules.

(b) Appeal.- Any decree of annulment or of limited or absolute divorce in which the court reserves any power under this subtitle is final and subject to appeal in all other respects.

§ 8-214. Award of reasonable and necessary expenses.

(a) Definition.- In this section, "reasonable and necessary expense" includes:

- (1) suit money;
- (2) counsel fees; and
- (3) costs.

(b) Award authorized.- At any point in a proceeding under this subtitle, the court may order either party to pay to the other party an amount for the reasonable and necessary expense of prosecuting or defending the proceeding.

(c) Considerations by court.- Before ordering the payment, the court shall consider:

- (1) the financial resources and financial needs of both parties; and
- (2) whether there was substantial justification for prosecuting or defending the proceeding.

(d) Lack of substantial justification and good cause.- Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party the reasonable and necessary expense of prosecuting or defending the proceeding.

(e) Reimbursement.- The court may award reimbursement for any reasonable and necessary expense that has previously been paid.

(f) Counsel fees.- As to any amount awarded for counsel fees, the court may:

- (1) order that the amount awarded be paid directly to the lawyer; and
- (2) enter judgment in favor of the lawyer.

TITLE 9. CHILD CUSTODY AND VISITATION

Subtitle 1. In General.

§ 9-101. Denial of custody or visitation on basis of likely abuse or neglect.

(a) Determination by court.- In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.

(b) Specific finding required.- Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

§ 9-101.1. Abuse against certain individuals.

(a) Definition.- In this section, "abuse" has the meaning stated in § 4-501 of this article.

(b) Evidence of abuse against certain individuals.- In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues, evidence of abuse by a party against:

(1) the other parent of the party's child;

(2) the party's spouse; or

(3) any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding.

(c) Protection of child and victim.- If the court finds that a party has committed abuse against the other parent of the party's child, the party's spouse, or any child residing within the party's household, the court shall make arrangements for custody or visitation that best protect:

(1) the child who is the subject of the proceeding; and

(2) the victim of the abuse.

§ 9-102. Petition by grandparents for visitation.

An equity court may:

(1) consider a petition for reasonable visitation of a grandchild by a grandparent; and

(2) if the court finds it to be in the best interests of the child, grant visitation rights to the grandparent.

§ 9-103. Petition by child to change custody.

(a) Petition by child.- A child who is 16 years old or older and who is subject to a custody order or decree may file a petition to change custody.

(b) Guardian or next friend not required.- A petitioner under this section may file the proceeding in the petitioner's own name and need not proceed by guardian or next friend.

(c) Hearing required; amendment of custody order or decree.- Notwithstanding any other provision of this article, if a petitioner under this section petitions a court to amend a custody order or decree, the court:

(1) shall hold a hearing; and

(2) may amend the order or decree and place the child in the custody of the parent designated by the child.

§ 9-104. Access to medical, dental, and educational records by noncustodial parent.

Unless otherwise ordered by a court, access to medical, dental, and educational records concerning the child may not be denied to a parent because the parent does not have physical custody of the child.

§ 9-105. Unjustifiable denial or interference with visitation granted by order.

In any custody or visitation proceeding, if the court determines that a party to a custody or visitation order has unjustifiably denied or interfered with visitation granted by a custody or visitation order, the court may, in addition to any other remedy available to the court and in a manner consistent with the best interests of the child, take any or all of the following actions:

(1) order that the visitation be rescheduled;

(2) modify the custody or visitation order to require additional terms or conditions designed to ensure future compliance with the order; or

(3) assess costs or counsel fees against the party who has unjustifiably denied or interfered with visitation rights.

§ 9-106. Notification prior to relocation of child.

(a) In general.-

(1) Except as provided in subsection (b) of this section, in any custody or visitation proceeding the court may include as a condition of a custody or visitation order a requirement that either party provide advance written notice of at least 45 days to the court, the other party, or both, of the intent to relocate the permanent residence of the party or the child either within or outside the State.

(2) The court may prescribe the form and content of the notice requirement.

(3) If the court orders that notice be given to the other party, a mailing of the notice by certified mail, return receipt requested, to the last known address of the other party shall be deemed sufficient to comply with the notice requirement.

(b) Waiver.- On a showing that notice would expose the child or either party to abuse as defined in § 4-501 of this article or for any other good cause the court shall waive the notice required by this section.

(c) Violations - Defenses.- If either party is required to relocate in less than the 45-day period specified in the notice requirement, the court may consider as a defense to any action brought for a violation of such notice requirement that:

(1) relocation was necessary due to financial or other extenuating circumstances; and

(2) the required notice was given within a reasonable time after learning of the necessity to relocate.

(d) Same - Effect.- The court may consider any violation of the notice requirement as a factor in determining the merits of any subsequent proceeding involving custody or visitation.

SUBTITLE 3. REMOVAL OF CHILD FROM STATE; CHILD ABDUCTION

§ 9-301. Definitions.

(a) In general.- In this subtitle the following words have the meanings indicated.

(b) Lawful custodian.-

(1) "Lawful custodian" means a person who is authorized to have custody of and exercise control over a child who is under the age of 16 years.

(2) "Lawful custodian" includes a person who is authorized to have custody by an order of a court of competent jurisdiction in this State or any other state.

(c) Relative.- "Relative" means:

(1) a parent;

(2) a grandparent or other ancestor;

(3) a brother;

(4) a sister;

(5) an aunt;

(6) an uncle; or

(7) an individual who was a lawful custodian before the commission of an act that violates § 9-304 or § 9-305 of this subtitle.

§ 9-302. Jurisdiction over custody and visitation.

(a) Authority of court.- An equity court has jurisdiction over custody and visitation of a child who is removed from this State by a parent of the child, if:

(1) the parents are separated or divorced and this State was:

(i) the marital domicile of the parents; or

(ii) the domicile in which the marriage contract was last performed;

(2) 1 of the parents was a resident of this State when the child was removed and that parent continues to reside in this State; and

(3) the court obtains personal jurisdiction over the parent who removes the child.

(b) Effect of section.- This section does not affect any other basis of an equity court's jurisdiction over custody and visitation of a child.

§ 9-303. Conflict as to lawful custodian.

(a) Scope of section.- This section applies if there is a conflict between a custody order of a court of this State and a custody order of a court of another state.

(b) Order of court of this State prevails.- Except as provided in subsection (c) of this section, a custody order of a court of this State prevails over a custody order of a court of another state.

(c) Exception.- A custody order of a court of another state prevails over a custody order of a court of this State if the court in the other state passed its custody order:

- (1) after the custody order was passed by a court of this State; and
- (2) in proceedings in which the lawful custodian under the custody order of a court of this State:
 - (i) consented to the custody order passed by the court of the other state; or
 - (ii) participated personally as a party.

§ 9-304. Prohibited acts - In this State.

If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not:

- (1) abduct, take, or carry away the child from the lawful custodian to a place within this State;
- (2) having acquired lawful possession of the child, detain the child within this State for more than 48 hours after the lawful custodian demands that the child be returned;
- (3) harbor or hide the child within this State, knowing that possession of the child was obtained by another relative in violation of this section; or
- (4) act as an accessory to an act prohibited by this section.

§ 9-305. Same - Outside of this State.

(a) In general.- If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not:

- (1) abduct, take, or carry away the child from the lawful custodian to a place in another state;
- (2) having acquired lawful possession of the child, detain the child in another state for more than 48 hours after the lawful custodian demands that the child be returned;
- (3) harbor or hide the child in another state knowing that possession of the child was obtained by another relative in violation of this section; or
- (4) act as an accessory to an act prohibited by this section.

(b) Additional restrictions.- If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not:

- (1) abduct, take, or carry away the child from the lawful custodian to a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico;
- (2) having acquired lawful possession of the child, detain the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico for more than 48 hours after the lawful custodian demands that the child be returned;
- (3) harbor or hide the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico knowing that possession of the child was obtained by another relative in violation of this section; or
- (4) act as an accessory to an act prohibited by this section.

§ 9-306. Clear and present danger to child.

(a) Petition.- If an individual violates the provisions of § 9-304 or § 9-305 of this subtitle, the individual may file in an equity court a petition that:

- (1) states that, at the time the act was done, a failure to do the act would have resulted in a clear and present danger to the health, safety, or welfare of the child; and
- (2) seeks to revise, amend, or clarify the custody order.

(b) Defense.- If a petition is filed as provided in subsection (a) of this section within 96 hours of the act, a finding by the court that, at the time the act was done, a failure to do the act would have resulted in a clear and present danger to the health, safety, or welfare of the child is a complete defense to any action brought for a violation of § 9-304 or § 9-305 of this subtitle.

§ 9-307. Penalties.

(a) Violation of § 9-304.- A person who violates any provision of § 9-304 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250 or imprisonment not exceeding 30 days.

(b) Violation of § 9-305 (a) - Not more than 30 days.- If the child is out of the custody of the lawful custodian for not more than 30 days, a person who violates any provision of § 9-305 (a) of this subtitle is guilty of a felony and on conviction is subject to a fine not exceeding \$250 or imprisonment not exceeding 30 days, or both.

(c) Same - More than 30 days.- If the child is out of the custody of the lawful custodian for more than 30 days, a person who violates any provision of § 9-305 (a) of this subtitle is guilty of a felony and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both.

(d) Violation of § 9-305 (b).- A person who violates any provision of § 9-305 (b) of this subtitle is guilty of a felony and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

TITLE 10. SUPPORT IN GENERAL

Subtitle 1. Civil and Criminal Enforcement.

PART I. Definitions; General Provisions.

§ 10-101. Definitions.

(a) In general.- In this title the following words have the meanings indicated.

(b) Administration.- "Administration" means the Child Support Enforcement Administration of the Department of Human Resources.

(c) Earnings.- "Earnings" includes:

(1) any form of periodic payment to an individual, including:

(i) an annuity;

(ii) a pension;

(iii) Social Security payments;

(iv) workers' compensation payments; and

(v) unemployment insurance benefits; and

(2) any commissions or fees paid in connection with the obligor's employment.

(d) Employer.-

(1) "Employer" means any person who is paying earnings to an obligor.

(2) "Employer" includes a governmental entity.

(e) Local support enforcement office.- "Local support enforcement office" means 1 of the following that is responsible for support enforcement:

(1) a county agency; or

(2) a component of the circuit court for a county.

(f) Obligee.-

(1) "Obligee" means any person who is entitled to receive support.

(2) "Obligee" includes a state.

(g) Obligor.- "Obligor" means an individual who is required to pay support under a court order.

(h) Support.- "Support" includes:

(1) child support;

(2) spousal support;

(3) support of destitute adult children; and

(4) support of destitute parents.

(i) Support enforcement agency.- "Support enforcement agency" means 1 of the following that receives support payments under a court order:

(1) the Administration; or

(2) a local support enforcement office.

§ 10-102. Statute of limitations for contempt proceeding.

A contempt proceeding for failure to make a payment of child or spousal support under a court order shall be brought within 3 years of the date that the payment of support became due.

§ 10-103. Effect on other actions.

This subtitle does not limit the authority of a State's Attorney, the Administration, or a local support enforcement office to use any other civil or criminal remedy to enforce a child or spousal support order.

PART III. CHILD AND SPOUSAL SUPPORT - EARNINGS WITHHOLDING

§ 10-120. Definitions.

- (a) Definitions.- In this Part III of this subtitle the following words have the meanings indicated.
- (b) Earnings withholding notice.- "Earnings withholding notice" means a notice in a format prescribed by federal law issued by the Administration to an employer requiring the employer to deduct support payments from the earnings of an obligor.
- (c) Earnings.- "Earnings withholding order" means an order in a format prescribed by federal law issued by a tribunal to an employer requiring the employer to deduct support payments from the earnings of an obligor.
- (d) Support.- "Support" includes:
 - (1) child support;
 - (2) spousal support;
 - (3) nondifferentiated child and spousal support; and
 - (4) any medical support ordered by the court, including converted funds as defined in § 15-122.2 of the Health - General Article.
- (e) Tribunal.- "Tribunal" has the meaning stated in § 10-301 (x) of this title.

§ 10-121. Withholding orders; support defined; required statement.

- (a) Orders passed on or after July 1, 1985.- Any order under this Part III of this subtitle that is passed on or after July 1, 1985 shall constitute an immediate and continuing withholding order on all earnings of the obligor that are due on or after the date of the support order.
- (b) Orders passed before July 1, 1985.-
 - (1) Any order under this Part III of this subtitle that is passed before July 1, 1985 shall become an immediate and continuing withholding order on all earnings of the obligor that are due on or after the date of the withholding order on the filing by the recipient or support enforcement agency of:
 - (i) a motion for a withholding order on the earnings of the obligor; and
 - (ii) a current support order.
 - (2) Notice of the filing of the motion and a statement that the support order constitutes an earnings withholding order subject to the conditions of this Part III of this subtitle shall be sent to the obligor by certified mail, return receipt requested and first class mail, at the last known home address or, if the home address is unknown, the place of employment of the obligor.
- (c) Required statement.- Any support order or modification of support order not subject to immediate withholding under § 10-123 of this subtitle, that is passed on or after July 1, 1985, and any notice and statement issued under subsection (b) (2) of this section shall include a statement that:
 - (1) if the obligor accumulates support payments arrears amounting to more than 30 days of support, the obligor shall be subject to earnings withholding;
 - (2) the obligor is required to notify the court within 10 days of any change of address or employment so long as the support order is in effect; and
 - (3) failure to comply with item (2) of this subsection will subject the obligor to a penalty not to exceed \$250 and may result in the obligor's not receiving notice of proceedings for earnings withholding.

§ 10-122. Amount of earnings withholding.

- (a) In general.- The amount of the earnings withholding shall:
 - (1) be enough to pay the support and any arrearage included in the payments required by the support order; and
 - (2) include any arrearage accrued since the support order.
- (b) Apportionment of arrearage accrued since support order.- (1)

(1) (i) When arrearages under subsection (a) (2) of this section are part of an earnings withholding order or earnings withholding notice, the total arrearage withheld shall be in one lump-sum payment or apportioned over a period of time.

(ii) The amount of the arrearage withheld under subparagraph (i) of this paragraph shall be determined by the tribunal or, in a case in which the Administration is providing support services, by the Administration.

(2) The amount of arrears under subsection (a) (2) of this section apportioned to each payment shall be at least \$1 but not more than 25% of the current support payment.

(c) Multiple notices.- If there is more than one earnings withholding order or earnings withholding notice against a single obligor, the Administration shall allocate amounts available for withholding, giving priority to current support, up to the limits imposed by the federal Consumer Credit Protection Act.

§ 10-122.1. Service of order on employer.

Redesignated.

§ 10-123. Service of order.

(a) Authorized.- Except as otherwise provided for in this section and notwithstanding any other provision of this Part III, a court shall immediately authorize service of an earnings withholding order when:

(1) (i) a support order or modification of support order is passed on or after April 9, 1991;

(ii) a case is being enforced by a support enforcement agency; and

(iii) the recipient or support enforcement agency requests service of an earnings withholding order; or

(2) the Department of Health and Mental Hygiene requests service of an earnings withholding order for court ordered medical support.

(b) Authorization of service on effective date.- Except as provided in subsection (d) of this section, for all child support orders that are initially issued in the State on or after January 1, 1994, regardless of whether child support payments are in arrears, a court shall immediately authorize service of an earnings withholding order on the effective date of the order.

(c) Method of payment.- When a court orders immediate service of an earnings withholding order on or after July 1, 1994, the court shall order payments through the State disbursement unit.

(d) Not authorized.- A court may not authorize the immediate service of an earnings withholding order if:

(1) any party demonstrates, and the court finds, that there is good cause to not require immediate earnings withholding; or

(2) the court approves of the terms of a written agreement of the parties providing for an alternative method of payment.

(e) Copy of order to be served on employer.- If the court authorizes the immediate service of an earnings withholding order, the court shall immediately cause a copy of the earnings withholding order to be served on any employer of the obligor.

§ 10-124. Service of order on employer.

(a) In general.- Except as otherwise provided in this Part III, the Administration may serve an earnings withholding notice on an employer of an obligor without the need for any modification of the support order or any further action by a tribunal if:

(1) (i) a tribunal has issued a support order; and

(ii) the Administration is providing child support services under Title IV, Part D, of the Social Security Act; or

(2) an obligor requests the service of an earnings withholding notice.

(b) Electronic service permitted.- The Administration may serve an employer with an earnings withholding notice using an electronic format if the employer has entered into an agreement with the Administration to accept service of an earnings withholding notice in this manner.

(c) Notice to obligor.- When the Administration serves an employer with an earnings withholding notice under this section, the Administration shall send to the obligor, by first-class mail, at the obligor's last known home address and place of employment:

(1) a copy of the earnings withholding notice;

(2) a statement of the procedures under § 10-134 of this subtitle that the obligor must follow to terminate earnings withholding;

(3) a statement of the obligor's right to contest the accuracy of the information provided in the earnings withholding notice by filing a motion for a stay of the earnings withholding notice in circuit court or requesting an investigation no later than 30 days after a copy of the withholding notice is mailed to the obligor under this section; and

(4) a statement of the amount of arrears apportioned to each payment that is to be included in the amount of earnings withheld under § 10-122 of this subtitle.

(d) Contestable issues.- The only issues that may be adjudicated at a hearing or contested in an investigation under subsection (c)(3) of this section are:

(1) whether an arrearage existed;

(2) the amount of the withholding or the amount of any arrearage;

(3) the identity of the obligor; or

(4) that the amount of the withholding notice exceeds the limits of the federal Consumer Credit Protection Act.

(e) Investigation.-

(1) If an obligor requests an investigation, the Administration shall:

(i) conduct an investigation within 15 days after the obligor's request; and

(ii) on completion of the investigation, notify the obligor of the results of the investigation and the obligor's right to appeal the decision of the Administration to the Office of Administrative Hearings.

(2) An appeal under paragraph (1)(ii) of this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

§ 10-125. Request for service of order - Required.

Except as provided for in § 10-123 of this subtitle, the court may not cause a copy of the earnings withholding order to be served on any employer of the obligor until the court receives a request for service of the earnings withholding order under § 10-126 of this subtitle and the requirements of §§ 10-127 and 10-133 of this subtitle have been met.

§ 10-126. Same - Filing.

(a) When filed.- If an obligor accrues support payment arrears amounting to more than 30 days of support, the recipient or the support enforcement agency may file a request for service of the earnings withholding order.

(b) Form of request.-

(1) The request shall:

(i) be under oath;

(ii) state the last date or dates on which support payments were received, and the amount or amounts of the support payments; and

(iii) state the amount of arrearage.

(2) The request may be filed on a form which shall be provided by the court.

(c) Penalty for false representation.- Any person who willfully makes a false representation in a request for service of an earnings withholding order under this section shall be subject to the penalties for perjury.

(d) Filing by support enforcement agency.- When support payments are being made through the support enforcement agency, the agency shall file the request for service of the earnings withholding order.

§ 10-127. Service.

(a) In general.- When the court receives a request for service of the earnings withholding order under § 10-126 of this subtitle, the court shall send to the obligor, by certified mail, return receipt requested and first class mail, at the home address or, if the home address is unknown, the place of employment last reported to the court:

(1) a copy of the earnings withholding order;

(2) a copy of the request for service of the earnings withholding order;

(3) a statement of the procedures under § 10-133 of this subtitle that the obligor must follow to contest the earnings withholding;

(4) the form permitted under § 10-133 (b) (3) of this subtitle;

- (5) a statement of the issues that may be adjudicated under § 10-133 of this subtitle; and
- (6) notice that:
 - (i) the order will be served on the employer and will include arrears as alleged in the request for service of the earnings withholding order unless the obligor moves for a stay of service within 15 days of mailing the notice under this section; and
 - (ii) the arrears accrued since the issuance of the support order will be apportioned according to the requirements of § 10-122 of this subtitle.
- (b) When copy of order to be served on employer.- If the obligor fails to move for a stay under § 10-133 of this subtitle, the court shall immediately cause a copy of the earnings withholding order to be served on the employer of the obligor.

§ 10-128. Contents and effect of order.

- (a) Contents.- An earnings withholding order or an earnings withholding notice sent to the obligor's employer shall:
 - (1) be a separate document, and not include any other orders or pleadings; and
 - (2) include only the following information:
 - (i) the amount to be withheld from the obligor's earnings including explanation of the application of the federal Consumer Credit Protection Act limits;
 - (ii) that subject to further orders of the tribunal, the employer is required to withhold the stated amount on a regular and continuing basis commencing on the beginning of the next pay period after receipt of the earnings withholding order or the earnings withholding notice;
 - (iii) that the employer may deduct and retain from the employee's earnings an additional \$2 for each deduction made under the earnings withholding order or earnings withholding notice;
 - (iv) that the net amount withheld is to be sent promptly to the State disbursement unit; and
 - (v) any other information that the employer needs to comply with the earnings withholding order or earnings withholding notice.
- (b) Order binding on present and future employers.- An earnings withholding order or earnings withholding notice is binding on each present and future employer of the obligor on whom a copy of the earnings withholding order or earnings withholding notice is served.
- (c) Priority.- Subject to federal law, an earnings withholding order or earnings withholding notice under this Part III of this subtitle has priority over any other lien or legal process.
- (d) Statement of penalties.- The copy of the earnings withholding order or earnings withholding notice served on the employer of the obligor shall contain a statement that upon willful violation of the earnings withholding order or earnings withholding notice the employer shall be subject to civil penalties.

§ 10-129. Deductions from obligor's earnings.

- (a) In general.- On receipt of a copy of an earnings withholding order or earnings withholding notice an employer shall, beginning with the next pay period after receipt of the earnings withholding order or earnings withholding notice:
 - (1) deduct the amount of the withholding from the obligor's earnings on a regular basis; and
 - (2) send the deducted net amount directly to the State disbursement unit within 7 days not including Saturday, Sunday, or a legal holiday after the day on which the earnings are paid to the obligor.
- (b) Additional deductions.- An employer may deduct and retain from the obligor's wages an additional \$2 for each deduction made under the earnings withholding order or earnings withholding notice.
- (c) Prohibited acts.- An employer may not use the withholding as a basis for:
 - (1) reprisal against the obligor;
 - (2) dismissal of the obligor from employment; or
 - (3) refusal to hire or to promote the obligor.
- (d) Civil action; employer's liability.-
 - (1) Subject to the provisions of § 10-131 of this subtitle:
 - (i) the recipient or the support enforcement agency may bring a civil action against an employer who willfully violates subsection (a) of this section; and
 - (ii) an employer is liable for damages under this subsection in an amount equal to the amount of any withholding that the employer failed to deduct from the obligor's earnings or failed to send within the time required under subsection (a) of this section.

(2) The employer's liability under this subsection shall be in addition to any amounts paid directly or indirectly by the obligor.

§ 10-130. Termination of obligor's employment.

Within 10 days after the employer receives notice of an obligor's decision to terminate employment or within 10 days after the termination, whichever occurs earlier, the employer shall:

- (1) notify the court and the support enforcement agency; and
- (2) forward to the court any available information as to the obligor's:
 - (i) Social Security number;
 - (ii) home address; and
 - (iii) new place of employment.

§ 10-131. Change of address of recipient.

(a) In general.- If the address of a recipient changes, the recipient, within a reasonable time, shall send the change of address by certified mail, return receipt requested to:

- (1) the court;
- (2) the obligor, at the obligor's last known address; and
- (3) (i) each employer who has been served with a copy of the earnings withholding order; or
(ii) if the support enforcement agency receives the support payments, the support enforcement agency.

(b) Failure to give notice.- If, because of the failure of a recipient to give notice under this section, an employer or the support enforcement agency is unable for a 2-month period to deliver deductions under the earnings withholding order, the employer or agency:

- (1) may not make further deductions;
- (2) shall return each undeliverable payment to the obligor; and
- (3) shall notify the court.

§ 10-132. Change of obligor's address or place of employment.

If the address or place of employment of the obligor changes, the obligor, within 10 days, shall send the change of address or new place of employment by certified mail, return receipt requested, to:

- (1) the court; and
- (2) the recipient, or if the support enforcement agency receives the support payments, the support enforcement agency.

§ 10-133. Stay of order.

(a) In general.- Except as provided in § 10-123 or § 10-124 of this subtitle, an obligor may contest the issuance of an earnings withholding order by moving for a stay of the order no later than 15 days after a copy of the withholding order is mailed to the obligor under § 10-127 of this subtitle.

(b) Motion for stay.- A motion for a stay of the withholding order:

- (1) shall be under oath;
- (2) shall state the grounds for contesting the earnings withholding, including dates and amount of payments in dispute; and
- (3) may be on a form that shall be prepared by the court.

(c) False representations.- Any person who willfully makes a false representation of facts on a motion for stay of the withholding order under this section shall be subject to the penalties for perjury.

(d) Notice; scheduling of hearing.- Upon receipt of a motion for a stay of the withholding order under subsection (a) of this section, the court shall immediately notify the recipient and the support enforcement agency, if applicable, and shall schedule a hearing within 15 days.

(e) Scope of hearing.- The only issues that may be adjudicated at a hearing scheduled under this section are:

- (1) whether the alleged arrearage existed;
- (2) the amount of the arrearage;
- (3) the identity of the obligor; and

(4) that the amount of the withholding order exceeds the limits of the federal Consumer Credit Protection Act.

(f) Subsequent payment not a defense.- Payment of arrearage after the date of the motion for service of the withholding order is not a defense against withholding.

(g) Denial of stay.- After adjudication of the issues under subsection (e) of this section, if the court finds that the obligor owed an amount in excess of 30 days' support at the time the request for service of the withholding order was filed, the court shall cause the earnings withholding order to be served on the obligor's employer immediately and shall deny the stay.

(h) Limit under federal Consumer Credit Protection Act.- If the court finds that the amount of the withholding order exceeds the limits of the federal Consumer Credit Protection Act, the court shall alter the amount of the earnings withholding to the maximum allowed under the federal Consumer Credit Protection Act.

(i) Time for ruling on request for service.- In any event, the court shall rule on the request for service of the earnings withholding order within 45 days of the mailing of the notice to the obligor.

§ 10-134. Termination of withholding.

(a) In general.- On motion of the obligor or the recipient that may be filed on a form which shall be prepared by the court, the court shall terminate the withholding if:

- (1) the support obligation is terminated and the total arrearages are paid;
- (2) all of the parties join in a motion for termination of the withholding; or
- (3) within 60 days of the withholding order being served, the court finds:

(i) no history of child support arrearages; and

(ii) the arrearage which gave rise to the withholding order was the result of a bona fide medical emergency involving hospitalization of the obligor or the death of the obligor's parents, spouse, children, or stepchildren.

(b) Employer notice.- The Administration shall notify the employer to terminate the withholding without the necessity of a further order when:

- (1) the support obligation is fulfilled; and
- (2) no arrearage exists.

§ 10-135. Enforcement of out-of-state withholding orders.

Earnings withholding orders issued out of state shall be enforced in the same manner under this Part III of this subtitle as earnings withholding orders issued in this State.

§ 10-136. Enforcement of out-of-state support orders.

(a) In general.- Support orders issued out of state shall be enforced in the same manner under this Part III of this subtitle as support orders issued in this State.

(b) Request for service - By recipient.- A recipient of an out-of-state support order may file a request for service of an earnings withholding order under § 10-126 of this subtitle by submitting the information required under § 10-126 of this subtitle, and a certified support order or a support order registered in this State.

(c) Same - By support enforcement agency.-

(1) A recipient of an out-of-state support order may request that the support enforcement agency file with the court a request for service of an earnings withholding order under § 10-126 of this subtitle by submitting a request for service, a certified support order, and a statement of arrears under oath.

(2) A request under this subsection may be submitted by the recipient or a support enforcement agency.

§ 10-137. Withholding in case of out-of-state obligor or employer.

In the case of an out-of-state obligor or out-of-state employer, the support enforcement agency shall, upon receipt of a request for service of an earnings withholding on the accrual of 30 days' support arrears, send to the appropriate state agency or court a request for earnings withholding and any information and fees required by that state to process the request.

§ 10-138. Earnings withholding order upon request of the obligor or in contempt or other proceedings.

(a) Upon request of the obligor.- Upon request of the obligor, the court shall immediately authorize service of an earnings withholding order.

(b) In contempt or other proceedings.- Notwithstanding any other provision of this Part III, a court may at any time issue an earnings withholding order, in a contempt or other proceeding, if:

(1) the recipient or the support enforcement agency has filed a petition that includes a request for an earnings withholding order; and

(2) the obligor is in arrears in support payments of more than 30 days.

(c) Hearing.- A hearing shall be held if the obligor appears and contests the issuance of the order.

(d) Amount.- The amount of the wage withholding order entered under this subsection:

(1) shall be enough to pay the support as originally entered by the court; and

(2) may include a part of the arrearage.

SUBTITLE 2. CRIMINAL NONSUPPORT AND DESERTION

PART I. NONSUPPORT OF SPOUSE; NONSUPPORT OR DESERTION OF MINOR CHILD - IN GENERAL

§ 10-201. Nonsupport of spouse prohibited; penalties.

(a) In general.- A spouse may not willfully fail to provide for the support of the other spouse, without just cause.

(b) Penalties.- An individual who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 3 years or both.

(c) Disposition of fine.- If an individual is convicted under this section, the court may order the individual to pay any fine wholly or partly to the spouse.

§ 10-202. Order to pay spousal support.

(a) Authority of court.- Before trial and with the written consent of the accused individual, or on conviction of the individual under § 10-201 of this subtitle, instead of or in addition to imposing a penalty under § 10-201 of this subtitle, the court may:

(1) order the individual to pay spousal support periodically in a certain amount for 3 years; and

(2) place the individual on probation on the individual's entering into a recognizance.

(b) Determination of amount.- In passing the order, the court shall consider the financial circumstances of the accused individual.

(c) Recipient.- The accused individual shall make the payments to the spouse directly or through the appropriate support enforcement agency.

(d) Modification.- The court may modify the order as circumstances require.

§ 10-203. Nonsupport of and desertion of minor child prohibited; penalties.

(a) Failing to support minor child.- A parent may not willfully fail to provide for the support of his or her minor child.

(b) Deserting minor child.- A parent may not desert his or her minor child.

(c) Penalties.- An individual who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 3 years or both.

§ 10-204. Order to pay child support.

(a) Authority of court.- Before trial and with the written consent of the accused individual, or on conviction of the individual under § 10-203 of this subtitle, instead of or in addition to imposing a penalty under § 10-203 of this subtitle, the court may:

(1) order the individual to pay child support periodically in a certain amount for 3 years, or, if there is an agreement with respect to support of the child, order the individual to make payments as provided in the agreement; and

(2) place the individual on probation on the individual's entering into a recognizance.

(b) Determination of amount.- In passing the order, the court shall consider the financial circumstances of the accused individual.

(c) Recipient.- The accused individual shall make the payments:

(1) to the person who has custody of the minor child, through the appropriate support enforcement agency; or

(2) if there is an agreement with respect to support of the child, to the recipient designated in the agreement.

(d) Modification.- The court may modify the order as circumstances require.

§ 10-205. Recognizance.

(a) Conditions.- A recognizance ordered by the court under § 10-202 or § 10-204 of this subtitle shall be:

(1) in an amount that the court directs; and

(2) on the conditions that:

(i) if the individual is summoned to appear by the court within the 3-year probationary period, the individual shall appear; and

(ii) the individual shall pay support as ordered by the court.

(b) Revocation.- During the 3-year probationary period, if an individual fails to pay support under the court's order, the court may proceed to try or sentence the individual.

(c) Disposition of forfeited recognizance.- The court may order that a forfeited recognizance be paid wholly or partly as provided in § 10-202 (c) or § 10-204 (c) of this subtitle, as appropriate.

§ 10-206. Lien on earnings.

(a) Establishment of lien.- An order to pay support under this subtitle is a lien on the earnings of the accused individual.

(b) Notice by support enforcement agency.- The court shall send a certified copy of each order that establishes a lien on earnings to the appropriate support enforcement agency. The support enforcement agency shall notify the individual's employer of the lien.

(c) Duties of employer.- On receipt of notice of the lien from the support enforcement agency, the employer shall:

(1) on a regular basis, deduct the amount of the lien from the individual's earnings; and

(2) send the deducted amount to the support enforcement agency.

§ 10-207. Deduction from inmate's earnings.

(a) Authority of court.- If the court sentences an individual who is convicted under § 10-201 or § 10-203 of this subtitle to the jurisdiction of the Division of Correction, the court may order the Commissioner of Correction:

(1) to deduct an amount from any earnings of the individual; and

(2) to pay that amount at certain intervals:

(i) as provided in § 10-202 (c) of this subtitle, if the individual is convicted of nonsupport of the individual's spouse under § 10-201 of this subtitle; or

(ii) as provided in § 10-204 (c) of this subtitle, if the individual is convicted of nonsupport or desertion of the individual's minor child under § 10-203 of this subtitle.

(b) Modification or revocation.- During the defendant's imprisonment, the court may modify or revoke the order.

§ 10-208. Venue.

(a) Nonsupport of spouse.- An individual who is charged with nonsupport of the individual's spouse may be prosecuted in the jurisdiction where the individual or the spouse resides.

(b) Nonsupport or desertion of minor child.- An individual who is charged with nonsupport or desertion of the individual's minor child may be prosecuted in the jurisdiction where the individual or the individual's minor child resides.

§ 10-209. Effect of civil action.

The commencement of a civil action for child support does not affect the jurisdiction of the court in a criminal action for nonsupport or desertion.

TITLE 11. ALIMONY

§ 11-101. Award - In general.

(a) Where available.- The court may award alimony:

(1) on a bill of complaint for alimony; or

(2) as a part of a decree that grants:

(i) an annulment;

(ii) a limited divorce; or

(iii) an absolute divorce.

(b) Award to either party.- The court may award alimony to either party.

(c) Effect of agreement.- If a final disposition as to alimony has been made in an agreement between the parties, the court is bound by that agreement as the agreement relates to alimony.

(d) Spouse a resident in related institution.- Notwithstanding the provisions of subsections (a), (b), and (c) of this section, the court may not award alimony on a bill of complaint for alimony to the spouse of a resident in a related institution as defined in § 19-301 of the Health - General Article, if the petitioner attempts to satisfy the separation grounds for divorce under §§ 7-102 and 7-103 of this article based on the spouse's residence in the related institution.

§ 11-102. Same - Alimony pendente lite.

(a) In general.- Except as provided in subsection (b) of this section, in a proceeding for divorce, alimony, or annulment of marriage, the court may award alimony pendente lite to either party.

(b) Spouse a resident in related institution.- The court may not award alimony pendente lite in a proceeding for alimony on a bill of complaint for alimony to the spouse of a resident in a related institution as defined in § 19-301 of the Health - General Article if the petitioner attempts to satisfy the separation grounds for divorce under §§ 7-102 and 7-103 of this article based on the spouse's residence in a related institution.

§ 11-103. Same - Existence of ground for divorce.

The existence of a ground for divorce against the party seeking alimony is not an automatic bar to the court awarding alimony to that party.

§ 11-104. Same - Against nonresident defendant.

(a) In general.- In a proceeding for a limited or absolute divorce, the court may award to the plaintiff alimony as a part of a decree granting a divorce or alimony pendente lite, if:

(1) the bill of complaint asks for alimony and says that the defendant owns property in this State; and

(2) the court lacks or is unable to exercise personal jurisdiction over the defendant.

(b) Limit on award.- Any alimony or alimony pendente lite that is awarded under this section is payable only from the property referred to in the bill of complaint or the proceeds of that property. The court may pass any order regarding the property that is necessary to make the award effective.

§ 11-105. Same - Following decree by another jurisdiction.

If an annulment or a limited or absolute divorce has been granted by a court in another jurisdiction, a court in this State may award alimony to either party if:

(1) the court in the other jurisdiction lacked or did not exercise personal jurisdiction over the party seeking alimony; and

(2) the party seeking alimony was domiciled in this State at least 1 year before the annulment or divorce was granted.

§ 11-106. Same - Determination of amount and duration.

- (a) Court to make determination.-
- (1) The court shall determine the amount of and the period for an award of alimony.
 - (2) The court may award alimony for a period beginning from the filing of the pleading that requests alimony.
 - (3) At the conclusion of the period of the award of alimony, no further alimony shall accrue.
- (b) Required considerations.- In making the determination, the court shall consider all the factors necessary for a fair and equitable award, including:
- (1) the ability of the party seeking alimony to be wholly or partly self-supporting;
 - (2) the time necessary for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment;
 - (3) the standard of living that the parties established during their marriage;
 - (4) the duration of the marriage;
 - (5) the contributions, monetary and nonmonetary, of each party to the well-being of the family;
 - (6) the circumstances that contributed to the estrangement of the parties;
 - (7) the age of each party;
 - (8) the physical and mental condition of each party;
 - (9) the ability of the party from whom alimony is sought to meet that party's needs while meeting the needs of the party seeking alimony;
 - (10) any agreement between the parties;
 - (11) the financial needs and financial resources of each party, including:
 - (i) all income and assets, including property that does not produce income;
 - (ii) any award made under §§ 8-205 and 8-208 of this article;
 - (iii) the nature and amount of the financial obligations of each party; and
 - (iv) the right of each party to receive retirement benefits; and
 - (12) whether the award would cause a spouse who is a resident of a related institution as defined in § 19-301 of the Health - General Article and from whom alimony is sought to become eligible for medical assistance earlier than would otherwise occur.
- (c) Award for indefinite period.- The court may award alimony for an indefinite period, if the court finds that:
- (1) due to age, illness, infirmity, or disability, the party seeking alimony cannot reasonably be expected to make substantial progress toward becoming self-supporting; or
 - (2) even after the party seeking alimony will have made as much progress toward becoming self-supporting as can reasonably be expected, the respective standards of living of the parties will be unconscionably disparate.

§ 11-107. Extension of period; modification of amount.

- (a) Extension of period.- Subject to § 8-103 of this article, the court may extend the period for which alimony is awarded, if:
- (1) circumstances arise during the period that would lead to a harsh and inequitable result without an extension; and
 - (2) the recipient petitions for an extension during the period.
- (b) Modification of amount.- Subject to § 8-103 of this article and on the petition of either party, the court may modify the amount of alimony awarded as circumstances and justice require.

§ 11-108. Termination of alimony.

Unless the parties agree otherwise, alimony terminates:

- (1) on the death of either party;
- (2) on the marriage of the recipient; or
- (3) if the court finds that termination is necessary to avoid a harsh and inequitable result.

§ 11-109. Payment to designee.

- (a) "Designee" defined.- In this section "designee" means:
- (1) a support enforcement agency that is authorized by law to receive alimony payments for the recipient; or
 - (2) a person who is designated by the court as trustee or guardian to receive alimony payments for the recipient.
- (b) Authority of court.- The court may order that alimony payments be made to a designee.

- (c) Duties of designee.- A designee shall:
 - (1) send the payments to the recipient; and
 - (2) keep a record of:
 - (i) the amount of each payment;
 - (ii) the date that each payment must be made; and
 - (iii) the name and address of each party.
- (d) Duties of parties.- Each party shall inform the designee of:
 - (1) any change of address; or
 - (2) any other fact that might affect the administration of the order.
- (e) Failure to make payments.- If the party who is required to pay alimony fails to make a payment, the designee or the recipient may bring an enforcement proceeding.
- (f) Representation by State's Attorney.- The State's Attorney may represent the designee in any enforcement proceeding that is brought under this section.

§ 11-110. Order to pay reasonable and necessary expenses.

- (a) Definitions.-
 - (1) In this section the following words have the meanings indicated.
 - (2) "Proceeding" includes a proceeding for:
 - (i) alimony;
 - (ii) alimony pendente lite;
 - (iii) modification of an award of alimony; and
 - (iv) enforcement of an award of alimony.
 - (3) "Reasonable and necessary expense" includes:
 - (i) suit money;
 - (ii) counsel fees; and
 - (iii) costs.
- (b) Authority of court.- At any point in a proceeding under this title, the court may order either party to pay to the other party an amount for the reasonable and necessary expense of prosecuting or defending the proceeding.
- (c) Required considerations.- Before ordering the payment, the court shall consider:
 - (1) the financial resources and financial needs of both parties; and
 - (2) whether there was substantial justification for prosecuting or defending the proceeding.
- (d) Absence of substantial justification.- Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party the reasonable and necessary expense of prosecuting or defending the proceeding.
- (e) Expenses paid previously.- The court may award reimbursement for any reasonable and necessary expense that has previously been paid.
- (f) Counsel fees.- As to any amount awarded for counsel fees, the court may:
 - (1) order that the amount awarded be paid directly to the lawyer; and
 - (2) enter judgment in favor of the lawyer.

§ 11-111. Allocation of costs of continued health insurance coverage; continuation or reinstatement of benefits.

- (a) In general.- In accordance with the provisions of § 15-408 of the Insurance Article, the court may, either after a divorce is granted or pendente lite, allocate between the parties any additional costs of providing hospital, medical, or surgical benefits under a group contract or require continuation or reinstatement of such benefits.
- (b) Consistency with federal law.- A court may, either after a divorce or pendente lite, allocate between the parties any expenses incurred for continuation of hospital, medical, or surgical benefits made available under a group contract in accordance with federal law.

§ 11-112. Authority of court in certain cases of insanity.

When granting a limited divorce, an absolute divorce, or an annulment, if the court finds from the testimony of 2 or more physicians competent in psychiatry that 1 of the parties is permanently and incurably insane with no hope of recovery, then, notwithstanding any agreement between the parties, the court may require a party to:

- (1) pay alimony or support for the benefit of the insane party;
- (2) pay a lump sum, based on the life expectancy of the insane party and the financial condition of the other party, together with the insane party's reasonable funeral expenses; or
- (3) give bond to this State conditioned on the payment for:
 - (i) the care and support of the insane party for the rest of the insane party's life; and
 - (ii) the insane party's reasonable funeral expenses.

TITLE 12. CHILD SUPPORT

Subtitle 1. General Provisions.

§ 12-101. Award by court - Authorized.

- (a) Awarded from time of filing of pleading.-
 - (1) Unless the court finds from the evidence that the amount of the award will produce an inequitable result, for an initial pleading that requests child support pendente lite, the court shall award child support for a period from the filing of the pleading that requests child support.
 - (2) Notwithstanding paragraph (1) of this subsection, unless the court finds from the evidence that the amount of the award will produce an inequitable result, for an initial pleading filed by a child support agency that requests child support, the court shall award child support for a period from the filing of the pleading that requests child support.
 - (3) For any other pleading that requests child support, the court may award child support for a period from the filing of the pleading that requests child support.
- (b) Credit for payments.- The court shall give credit for payments that the court finds have been made during the period beginning from the filing of the pleading that requests child support.
- (c) Notice requirement.- Any support order or modification of a support order that is passed on or after July 1, 1997 shall include a statement that:
 - (1) each party is required to notify the court and any support enforcement agency ordered to receive payments, within 10 days of any change of address or employment; and
 - (2) failure to comply with paragraph (1) of this subsection may result in a party not receiving notice of the initiation of a proceeding to modify or enforce a support order.
- (d) Maternity expenses; medical support for child.-
 - (1) The court may order either parent to pay all or part of:
 - (i) the mother's medical and hospital expenses for pregnancy, confinement, and recovery; and
 - (ii) medical support for the child, including neonatal expenses.
 - (2) Subject to the right of any party to subpoena a custodian of records at least 10 days before trial, any records relating to the cost of the mother's medical and hospital expenses for pregnancy, childbirth, and recovery and any neonatal expenses of the child shall be admissible in evidence without the presence of a custodian of record and shall constitute prima facie evidence of the amount of expenses incurred.

§ 12-102. Same - Inclusion of child on health insurance policy.

- (a) Definitions.-
 - (1) In this section the following words have the meanings indicated.
 - (2) "Health insurance coverage" means any type of health care coverage under which medical care services can be provided to the child through an insurer.
 - (3) "Insurer" means:
 - (i) an insurer, a nonprofit health service organization, or a health maintenance organization operating in this State under a certificate of authority issued by the Maryland Insurance Commissioner;
 - (ii) an entity that provides a group health plan, as defined in § 607(1) of the Employee Retirement Income Security Act of 1974; or
 - (iii) an entity offering a service benefit plan as defined by federal law.
 - (4) "Medical support notice" means a notice that is:
 - (i) in a format prescribed by federal law; and
 - (ii) issued by a child support agency to enforce the health insurance coverage provisions of a child support order.
 - (5) "Tribunal" has the meaning stated in § 10-301 of this article.

(b) Conditions allowing inclusion.- The court may include in any support order a provision requiring either parent to include the child in the parent's health insurance coverage if:

(1) the parent can obtain health insurance coverage through an employer or any form of group health insurance coverage; and

(2) the child can be included at a reasonable cost to the parent in that health insurance coverage.

(c) Relationship with earnings withholding order.- An order of a court requiring the provision of health insurance coverage for a child may be issued separate from or in conjunction with an earnings withholding order.

(d) Notification of employer.-

(1) If a court orders a parent to provide health insurance coverage under this section, the parent under the order or the support enforcement agency shall send a copy of the order or medical support notice to the parent's employer by first-class mail, separate from or in conjunction with an earnings withholding order, as provided in § 10-123 of this article.

(2) Within 20 business days after the receipt of the order or medical support notice, the employer shall:

(i) send the appropriate part of the medical support notice to the employer's insurer;

(ii) if the employer determines that, based on reasons related to the employee's employment status, the employee's child is ineligible for health insurance coverage, complete the appropriate part of the medical support notice and return it to the issuing child support agency;

(iii) permit the parent, a child support enforcement agency, or the Department of Health and Mental Hygiene to enroll the child in any health insurance coverage available to the parent without regard to any enrollment season restrictions;

(iv) provide a statement to the support enforcement agency and to both parents that the child:

1. has been enrolled in health insurance coverage;

2. will be enrolled in health insurance coverage and that the expected date of enrollment will be provided; or

3. cannot be enrolled in health insurance coverage; and

(v) provide information to both parents and to the support enforcement agency concerning the available health insurance coverage, including:

1. the employee's Social Security number;

2. the name, address, and telephone number of the insurer;

3. the policy number;

4. the group number;

5. the effective date of coverage; and

6. any schedule of benefits.

(e) Withholding upon receipt of order or notice.- On receipt of the order or medical support notice, the employer:

(1) if the employee's child is eligible for health insurance coverage, shall withhold from the employee's next earnings the amount of the employee contribution required to enroll the employee's child;

(2) if the employee's child is not currently eligible for health insurance coverage but will become eligible, shall withhold from the employee's earnings, at the earliest time the employee's child becomes eligible, the amount of the employee contribution required to enroll the employee's child; or

(3) if federal or State withholding limitations or prioritization prevent withholding from the employee's wages the amount required for enrollment, shall complete and send, to the issuing child support agency, the appropriate part of the medical support notice indicating the employee's income is insufficient for enrollment.

(f) Deductions of premiums.-

(1) To the extent consistent with the federal Consumer Credit Protection Act, the employer shall deduct the premiums for health insurance coverage from the earnings of the employee on a regular and continuing basis and pay the premiums to the insurer.

(2) The employer shall send to the insurer the amount deducted from the employee's earnings each pay period within 10 business days after the day on which the earnings are paid to the employee.

(g) Elimination of coverage by employer.- An employer or the child's parents may not disenroll or eliminate coverage for the child in any manner unless:

(1) the employer is provided satisfactory written evidence that:

(i) the court order is no longer in effect; or

(ii) the child has been or will be enrolled under other reasonable health insurance coverage, with the coverage to take effect no later than the effective date of disenrollment;

(2) the employer has eliminated family health coverage for all of its employees; or

(3) the employer no longer employs the parent under whose name the child has been enrolled for coverage except to the extent that if the parent elects to exercise the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) then coverage must be provided for the child consistent with the employer's plan relating to postemployment medical coverage for dependents.

(h) Notification; reissuance.-

(1) If the health insurance coverage for the child terminates, the employer shall notify the other parent and, if a support enforcement agency is involved in the case, the support enforcement agency within 15 days of termination of the insurance.

(2) If, after a lapse in health insurance coverage, health insurance coverage becomes available to the employee for the child, the employer shall:

(i) enroll the child in health insurance coverage without regard to any enrollment season restrictions; and

(ii) within 15 days after health insurance coverage becomes available, provide notice to the support enforcement agency and the other parent of the enrollment.

(i) Willful violation by employer.- Subject to the provisions of this section, the parent or the support enforcement agency may bring a civil action against an employer who willfully violates the provisions of this section.

(j) Authority of Court to enter order concerning uninsured expenses not limited.- This section does not limit the authority of a court to enter, modify, or enforce an order requiring payment of uninsured health expenses, health care costs, or health insurance premiums.

(k) Prohibited acts against employee.- An employer may not use the existence of an order or a medical support notice requiring health insurance coverage as a basis for:

(1) reprisal against an employee;

(2) dismissal of an employee from employment; or

(3) refusal to hire a person or to promote an employee.

(l) Order binding on present and future employees.- An order entered under this section is binding on a present and future employer of the parent on whom a copy of this order is served.

§ 12-102.1. Same - Medical support notice.

(a) Issuance.- A medical support notice:

(1) may be issued by a child support agency in any child support case in which a circuit court of this State or tribunal of another jurisdiction has ordered a parent to include the child in the parent's health insurance coverage; and

(2) shall be issued by a child support agency in all child support cases enforced by the Administration in which a noncustodial parent's employer is known and a circuit court of this State or tribunal of another jurisdiction has ordered the parent to include the child in the parent's health insurance coverage, unless the court order or administrative order provides for alternative health insurance coverage.

(b) Format and contents.- A medical support notice shall:

(1) be in a format approved by the federal government;

(2) be a separate document that does not include any other orders or pleadings; and

(3) include the following information:

(i) a statement explaining the employer's obligations under this subtitle to withhold any employee contributions due in connection with health insurance coverage for the employee's child;

(ii) a statement explaining that, subject to further orders of the circuit court of this State or tribunal of another jurisdiction, the employer is required to withhold the appropriate amount on a regular and continuing basis beginning with the next pay period after receipt of the appropriate part of the medical support notice indicating the employee's child is eligible for enrollment;

(iii) an explanation of the application of the federal Consumer Credit Protection Act limits;

(iv) an explanation of the applicability of any prioritization required when available funds are insufficient for full withholding for both child support and medical support;

(v) any other information that the employer needs to comply with the medical support notice;

(vi) a statement that failure to comply with the medical support notice without good cause may subject the employer or carrier to civil penalties;

(vii) a statement of the employee's right to contest the withholding based on a mistake of fact; and

(viii) the name and telephone number of the appropriate person to contact at the Administration about the medical support notice.

(c) Priority.- Subject to federal law, a medical support notice has priority over any other lien or legal process, except for current support and support arrears withheld under an earnings withholding order or notice.

(d) Force and effect.- A medical support notice that is completed appropriately and satisfies the conditions of § 609(a) of Title I of the Employee Retirement Income Security Act shall:

(1) be treated as a qualified medical child support order by a carrier;

(2) have the same force and effect as a qualified medical child support order; and

(3) be enforceable in the same manner as a qualified medical child support order.

(e) Enforcement of notice from another state.- A medical support notice issued in another state shall be enforced in the same manner as a medical support notice issued in this State.

§ 12-102.2. Same - Order by foreign court.

An administrative order or a medical support notice for health insurance coverage issued in any other state or territory will be enforced to the same extent in a proceeding under this subtitle as an order or a medical support notice for health insurance coverage issued in this State.

§ 12-102.3. Administrative contests of withholdings.

(a) Application and construction.-

(1) This section applies to administrative contests of withholdings from an employee's earnings made by an employer for the purpose of complying with this title.

(2) Nothing in this section may be construed to limit an employee's right to judicially contest an underlying court order requiring the employee to provide health insurance coverage for the employee's child.

(b) Basis for administrative contests.-

(1) An employee may only contest a withholding under this section based on a mistake of fact.

(2) The only issues that may be contested are:

(i) the identity of the employee;

(ii) whether there is an underlying court order requiring the employee to provide health insurance coverage for the employee's child;

(iii) that the amount of the withholding exceeds the limits of the federal Consumer Credit Protection Act; and

(iv) that the child for whom health insurance coverage is sought is emancipated.

(c) Written request.- An employee may contest a withholding by sending a written request for an investigation to the Administration within 15 days after receiving notice of the withholding from the employer.

(d) Investigation and notification of results.- If an employee requests an investigation, the Administration:

(1) shall conduct an investigation within 15 days after the request; and

(2) on completion of the investigation, shall notify the employee of the results of the investigation and the employee's right to appeal the decision of the Administration to the Office of Administrative Hearings.

(e) Appeal.-

(1) (i) An employee may appeal the Administration's decision to the Office of Administrative Hearings by filing a written request for a hearing with the Administration or the Office of Administrative Hearings.

(ii) The request for a hearing shall be made:

1. on a form provided by the Administration; and

2. within 15 days after receiving the written results of the Administration's investigation.

(2) The only issues that may be contested in an administrative hearing are:

(i) the identity of the employee;

(ii) whether there is an underlying court order requiring the employee to provide health insurance coverage for the employee's child;

(iii) that the amount of the withholding exceeds the limits of the federal Consumer Credit Protection Act; and

(iv) that the child for whom health insurance coverage is sought is emancipated.

(3) An appeal under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(f) Rights of child pending contest.- Enrollment of the employee's child may not be stayed or terminated until the employer receives written notice that the contest is resolved in the employee's favor.

§ 12-103. Award of costs and counsel fees.

(a) In general.- The court may award to either party the costs and counsel fees that are just and proper under all the circumstances in any case in which a person:

(1) applies for a decree or modification of a decree concerning the custody, support, or visitation of a child of the parties; or

(2) files any form of proceeding;

(i) to recover arrearages of child support;

(ii) to enforce a decree of child support; or

(iii) to enforce a decree of custody or visitation.

(b) Required considerations.- Before a court may award costs and counsel fees under this section, the court shall consider:

(1) the financial status of each party;

(2) the needs of each party; and

(3) whether there was substantial justification for bringing, maintaining, or defending the proceeding.

(c) Absence of substantial justification.- Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party costs and counsel fees.

§ 12-104. Modification of child support award.

(a) Prerequisites.- The court may modify a child support award subsequent to the filing of a motion for modification and upon a showing of a material change of circumstance.

(b) Retroactivity of modification.- The court may not retroactively modify a child support award prior to the date of the filing of the motion for modification.

§ 12-105. Central registry of records.

(a) In general.-

(1) The Child Support Enforcement Administration of the Department of Human Resources shall maintain a central registry of records of all identifying information that relates to parents who have deserted or who appear to have deserted their children.

(2) The Child Support Enforcement Administration shall list these parents in the registry whether or not their children are likely to become recipients of public assistance or foster care.

(b) Requests for information.- In accordance with subsections (c) and (d) of this section, to carry out the purposes of this section, the Child Support Enforcement Administration may receive from any agency of this State, political subdivision of this State, employer, public service company, energy provider, or labor union information and assistance that will enable the Child Support Enforcement Administration, the local enforcement office, or the State's Attorney for the county involved:

(1) to locate an absent parent or a parent who has deserted or appears to have deserted a child;

(2) to enforce the liability of the parent for the support of a child of the parent; or

(3) to obtain other financial and location information concerning parents and putative fathers needed by the administration to carry out its responsibilities under State and federal law.

(c) Information required to be supplied - State, employer, or labor union.-

(1) Upon written request by the Child Support Enforcement Administration, any agency of this State, political subdivision of this State, employer, or labor union shall provide, if available, a person's:

(i) Social Security account number;

(ii) date of birth;

(iii) last known residence or mailing address;

- (iv) present or last known employer;
- (v) length of employment;
- (vi) job classification;
- (vii) name of person to be notified in case of emergency and the person's residence;
- (viii) work hours;
- (ix) amounts of wages or other assets; and
- (x) medical insurance provider.

(2) As to individuals who were employed within the 3 years preceding a request for information by the Child Support Enforcement Administration, the State agency, political subdivision, employer, or labor union shall provide whatever information is available.

(3) (i) Upon request and a showing of cause by the Child Support Enforcement Administration, a circuit court may issue an order requiring an employer or labor union to comply with a request for information under this section.

(ii) If an employer or labor union refuses to provide information from its employee or member files as required by an order by a circuit court issued under this paragraph, the employer or labor union shall be in contempt of court.

(d) Information required to be supplied - Utilities.-

(1) In accordance with a subpoena issued by the Administration under § 10-108.6 of this article, a public service company or energy provider shall provide, if available:

- (i) a person's name and address; and
- (ii) the name and address of the person's employer.

(2) If a public service company or energy provider fails to comply with a subpoena issued by the Administration, the Administration shall have available the remedies provided under § 10-108.4 of this article.

(e) Immunity.- An employer, public service company, energy provider, or labor union that complies with a request from the Administration made under this section is not liable under State law to any person for any:

- (1) disclosure of information to the Administration under this section; or
- (2) other action taken in good faith to comply with the requirements of this section.

(f) Confidentiality of records.- Any record compiled from information provided under this section shall be available only to:

- (1) an authorized representative of this State or of a local department of this State; or
- (2) a person who has a statutory right to the records in an official capacity.

SUBTITLE 2. CHILD SUPPORT GUIDELINES

§ 12-201. Definitions.

(a) In general.- In this subtitle the following words have the meanings indicated.

(b) Actual income.-

(1) "Actual income" means income from any source.

(2) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "actual income" means gross receipts minus ordinary and necessary expenses required to produce income.

(3) "Actual income" includes:

- (i) salaries;
- (ii) wages;
- (iii) commissions;
- (iv) bonuses;
- (v) dividend income;
- (vi) pension income;
- (vii) interest income;
- (viii) trust income;
- (ix) annuity income;
- (x) Social Security benefits;
- (xi) workers' compensation benefits;
- (xii) unemployment insurance benefits;
- (xiii) disability insurance benefits;

(xiv) for the obligor, any third party payment paid to or for a minor child as a result of the obligor's disability, retirement, or other compensable claim;

(xv) alimony or maintenance received; and
(xvi) expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business to the extent the reimbursements or payments reduce the parent's personal living expenses.

(4) Based on the circumstances of the case, the court may consider the following items as actual income:

- (i) severance pay;
- (ii) capital gains;
- (iii) gifts; or
- (iv) prizes.

(5) "Actual income" does not include benefits received from means-tested public assistance programs, including temporary cash assistance, Supplemental Security Income, food stamps, and transitional emergency, medical, and housing assistance.

(c) Adjusted actual income.- "Adjusted actual income" means actual income minus:

- (1) preexisting reasonable child support obligations actually paid;
- (2) except as provided in § 12-204(a)(2) of this subtitle, alimony or maintenance obligations actually paid; and
- (3) the actual cost of providing health insurance coverage for a child for whom the parents are jointly and severally responsible.

(d) Adjusted basic child support obligation.- "Adjusted basic child support obligation" means an adjustment of the basic child support obligation for shared physical custody.

(e) Basic child support obligation.- "Basic child support obligation" means the base amount due for child support based on the combined adjusted actual incomes of both parents.

(f) Combined adjusted actual income.- "Combined adjusted actual income" means the combined monthly adjusted actual incomes of both parents.

(g) Extraordinary medical expenses.-

(1) "Extraordinary medical expenses" means uninsured expenses over \$100 for a single illness or condition.

(2) "Extraordinary medical expenses" includes uninsured, reasonable, and necessary costs for orthodontia, dental treatment, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders.

(h) Income.- "Income " means:

- (1) actual income of a parent, if the parent is employed to full capacity; or
- (2) potential income of a parent, if the parent is voluntarily impoverished.

(i) Ordinary and necessary expenses.- "Ordinary and necessary expenses" does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses or investment tax credits or any other business expenses determined by the court to be inappropriate for determining actual income for purposes of calculating child support.

(j) Potential income.- "Potential income" means income attributed to a parent determined by the parent's employment potential and probable earnings level based on, but not limited to, recent work history, occupational qualifications, prevailing job opportunities, and earnings levels in the community.

(k) Shared physical custody.-

(1) "Shared physical custody" means that each parent keeps the child or children overnight for more than 35% of the year and that both parents contribute to the expenses of the child or children in addition to the payment of child support.

(2) Subject to paragraph (1) of this subsection, the court may base a child support award on shared physical custody:

- (i) solely on the amount of visitation awarded; and
- (ii) regardless of whether joint custody has been granted.

§ 12-202. Use of guidelines; modification of orders; review.

(a) Use required; presumptions; departure from guidelines.-

(1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy to the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

(b) Modification of orders.-

(1) Subject to the provisions of paragraph (2) of this subsection, the adoption or revision of the guidelines set forth in this subtitle may be grounds for requesting a modification of a child support award based on a material change in circumstances.

(2) The adoption or revision of the guidelines set forth in this subtitle may not be grounds for requesting a modification of a child support award based on a material change in circumstances unless the use of the guidelines would result in a change in the award of 25% or more.

(c) Review of guidelines.- On or before January 1, 1993, and at least every 4 years after that date, the Child Support Enforcement Administration of the Department of Human Resources shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2-1246 of the State Government Article.

§ 12-203. Forms; verification of income.

(a) Forms.- The Court of Appeals may issue standardized worksheet forms to be used in applying the child support guidelines set forth in this subtitle.

(b) Verification of income.-

(1) Income statements of the parents shall be verified with documentation of both current and past actual income.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, suitable documentation of actual income includes pay stubs, employer statements otherwise admissible under the rules of evidence, or receipts and expenses if self-employed, and copies of each parent's 3 most recent federal tax returns.

(ii) If a parent is self-employed or has received an increase or decrease in income of 20% or more in a 1-year period within the past 3 years, the court may require that parent to provide copies of federal tax returns for the 5 most recent years.

§ 12-204. Determination of child support obligation.

(a) Schedule to be used; division among parents; maintenance and alimony awards.-

(1) The basic child support obligation shall be determined in accordance with the schedule of basic child support obligations in subsection (e) of this section. The basic child support obligation shall be divided between the parents in proportion to their adjusted actual incomes.

(2) (i) If one or both parents have made a request for alimony or maintenance in the proceeding in which a child support award is sought, the court shall decide the issue and amount of alimony or maintenance before determining the child support obligation under these guidelines.

(ii) If the court awards alimony or maintenance, the amount of alimony or maintenance awarded shall be considered actual income for the recipient of the alimony or maintenance and shall be subtracted from the income of the payor of the alimony or maintenance under § 12-201(c)(2) of this subtitle before the court determines the amount of a child support award.

(b) Voluntarily impoverished parent.-

(1) Except as provided in paragraph (2) of this subsection, if a parent is voluntarily impoverished, child support may be calculated based on a determination of potential income.

(2) A determination of potential income may not be made for a parent who:

(i) is unable to work because of a physical or mental disability; or

(ii) is caring for a child under the age of 2 years for whom the parents are jointly and severally responsible.

(c) Income between amounts in schedule.- If a combined adjusted actual income amount falls between amounts shown in the schedule, the basic child support amount shall be extrapolated to the next higher amount.

(d) Income above schedule levels.- If the combined adjusted actual income exceeds the highest level specified in the schedule in subsection (e) of this section, the court may use its discretion in setting the amount of child support.

(e) Basic child support obligation.- Schedule of basic child support obligations:

Combined Adjusted Actual Income 0-850	1 Child	2 Children	3 Children	4 Children	5 Children	6 or More Children
	\$20 - \$150 Per Month, Based On Resources And Living Expenses Of Obligor And Number Of Children Due Support					
900	184	273	276	279	282	285
950	191	296	304	307	311	314
1000	198	307	332	336	340	343
1050	205	318	360	364	368	372
1100	212	329	389	393	397	401
1150	219	339	416	421	425	430
1200	226	350	438	449	454	458
1250	233	360	451	477	482	487
1300	239	371	465	504	510	515
1350	246	382	478	532	538	544
1400	253	392	491	554	566	572
1450	260	403	504	569	594	601
1500	267	413	517	584	623	629
1550	274	424	531	599	651	658
1600	282	436	546	616	672	691
1650	288	447	559	631	688	725
1700	295	457	572	645	704	753
1750	302	467	585	660	720	770
1800	308	477	598	674	735	787
1850	315	488	611	689	751	804
1900	321	498	624	703	767	821
1950	327	506	634	715	780	835
2000	332	515	645	727	793	848
2050	338	523	655	739	806	862
2100	343	531	666	751	819	876
2150	349	540	677	763	832	890
2200	354	548	687	774	845	904
2250	359	557	698	786	858	918

2300	365	565	708	798	871	931
2350	370	573	719	810	884	945
2400	376	582	729	822	897	959
2450	381	590	740	833	909	973
2500	386	598	750	845	922	987
2550	392	607	761	857	935	1000
2600	397	615	771	869	948	1014
2650	403	624	782	881	961	1028
2700	408	632	793	893	974	1042
2750	413	640	803	904	987	1056
2800	419	649	814	916	1000	1070
2850	424	657	824	928	1013	1083
2900	429	666	835	940	1026	1097
2950	435	675	846	953	1039	1112
3000	441	684	857	965	1053	1126
3050	446	693	868	978	1067	1141
3100	452	702	879	990	1080	1156
3150	458	710	890	1003	1094	1170
3200	463	719	901	1015	1108	1185
3250	469	728	912	1028	1121	1199
3300	475	737	923	1040	1135	1214
3350	480	746	934	1053	1148	1228
3400	486	755	945	1065	1162	1243
3450	491	764	957	1078	1176	1258
3500	497	773	968	1090	1189	1272
3550	503	782	979	1103	1203	1287
3600	508	790	990	1115	1216	1301
3650	514	799	1001	1128	1230	1316
3700	520	808	1012	1140	1244	1330
3750	525	817	1023	1152	1257	1345
3800	532	827	1035	1166	1273	1361
3850	538	837	1048	1181	1288	1378
3900	544	847	1060	1195	1303	1394
3950	551	857	1073			

			1209	1319	1411	
4000	557	867	1085	1223	1334	1427
4050	563	877	1097	1236	1349	1442
4100	569	886	1109	1249	1363	1458
4150	575	895	1120	1262	1377	1473
4200	581	905	1132	1275	1391	1488
4250	587	914	1143	1288	1405	1503
4300	593	923	1155	1301	1420	1518
4350	598	932	1166	1314	1434	1534
4400	604	942	1178	1327	1448	1549
4450	610	951	1189	1340	1462	1564
4500	616	960	1201	1353	1477	1579
4550	622	970	1212	1366	1491	1594
4600	628	979	1224	1379	1505	1610
4650	634	987	1234	1391	1518	1624
4700	639	995	1244	1403	1530	1637
4750	644	1003	1254	1414	1543	1650
4800	649	1011	1264	1425	1555	1663
4850	655	1019	1274	1437	1567	1676
4900	660	1027	1284	1448	1580	1689
4950	665	1035	1294	1459	1592	1703
5000	670	1043	1304	1470	1604	1716
5050	676	1051	1314	1482	1617	1729
5100	681	1059	1324	1493	1629	1742
5150	686	1067	1334	1504	1641	1755

5200	691	1075	1344	1515	1654	1768
5250	696	1083	1354	1527	1666	1781
5300	702	1091	1364	1538	1678	1794
5350	707	1099	1374	1549	1691	1807
5400	712	1107	1384	1561	1703	1821
5450	717	1115	1394	1572	1715	1834
5500	722	1123	1404	1583	1728	1847
5550	728	1131	1414	1594	1740	1860
5600	733	1139	1424	1606	1752	1873
5650	738	1147	1434	1617	1765	1886
5700	743	1155	1444	1628	1777	1899
5750	748	1163	1454	1639	1789	1912
5800	754	1171	1464	1651	1801	1926
5850	759	1179	1474	1662	1814	1939
5900	764	1187	1484	1673	1826	1952
5950	769	1195	1494	1685	1838	1965
6000	774	1203	1504	1696	1851	1978
6050	780	1211	1513	1707	1863	1991
6100	785	1219	1523	1718	1875	2004
6150	790	1227	1533	1730	1888	2017
6200	795	1235	1543	1741	1900	2030
6250	800	1243	1553	1752	1912	2044
6300	806	1251	1563	1763	1925	2057
6350	811	1259	1573	1775	1937	2070
6400	815	1266	1582	1785	1947	2081
6450	819	1271	1589	1793	1956	2091
6500	823	1277	1597	1801	1965	2100
6550	827	1283	1604	1809	1974	2110
6600	831	1289	1611	1817	1983	2119
6650	834	1294	1618	1826	1992	2129
6700	838	1300	1626	1834	2001	2138
6750	842	1306	1633	1842	2010	2148
6800	846	1311	1640	1850	2019	2157
6850	850	1317	1647	1858	2028	2167
6900	854	1323	1654	1866	2037	2176
6950	857	1329	1662	1874	2045	2186
7000	861	1334	1669	1882	2054	2195
7050	865	1340	1676	1891	2063	2205
7100	869	1346	1683	1899	2072	2214
7150	873	1351	1691	1907	2081	2224
7200	876	1357	1698	1915	2090	2233
7250	880	1363	1705	1923	2099	

2243

7300	884	1369	1712	1931	2108	2253
7350	888	1374	1720	1939	2117	2262
7400	892	1380	1727	1947	2126	2272
7450	895	1386	1734	1956	2135	2281
7500	899	1391	1741	1964	2144	2291
7550	903	1397	1748	1972	2153	2300
7600	906	1402	1755	1979	2161	2309
7650	909	1407	1761	1986	2168	2317
7700	912	1412	1768	1993	2175	2325
7750	915	1417	1774	1999	2182	2333
7800	918	1422	1780	2006	2190	2340
7850	921	1427	1786	2012	2197	2348
7900	923	1431	1792	2019	2204	2356
7950	926	1436	1798	2026	2211	2364
8000	929	1441	1804	2032	2219	2372
8050	932	1446	1810	2039	2226	2380

8100	935	1451	1817	2045	2233	2388
8150	938	1456	1823	2052	2240	2396
8200	941	1461	1829	2059	2248	2404
8250	944	1465	1835	2065	2255	2412
8300	947	1470	1841	2072	2262	2420
8350	949	1475	1847	2078	2270	2428
8400	952	1480	1853	2085	2277	2436
8450	955	1485	1860	2092	2284	2444
8500	958	1490	1866	2098	2291	2452
8550	961	1494	1872	2105	2299	2460
8600	964	1499	1878	2111	2306	2468
8650	967	1504	1884	2118	2313	2476
8700	970	1509	1890	2125	2320	2484
8750	973	1514	1896	2131	2328	2492
8800	975	1518	1901	2137	2334	2498
8850	978	1521	1906	2142	2340	2504
8900	980	1525	1910	2147	2345	2510
8950	982	1528	1915	2152	2351	2516
9000	989	1539	1928	2168	2367	2534
9050	992	1543	1933	2173	2373	2540
9100	994	1547	1938	2179	2379	2546
9150	997	1551	1943	2184	2385	2552
9200	999	1554	1948	2190	2391	2559
9250	1002	1558	1953	2195	2397	2565
9300	1004	1562	1958	2201	2403	2571
9350	1007	1566	1963	2206	2409	2578
9400	1009	1570	1967	2212	2415	2584
9450	1012	1574	1972	2217	2421	2590
9500	1014	1577	1977	2223	2427	2596
9550	1017	1581	1982	2228	2433	2603
9600	1020	1585	1987	2234	2439	2609
9650	1022	1589	1992	2239	2445	2615
9700	1025	1593	1997	2245	2451	2622
9750	1027	1597	2001	2250	2457	2628
9800	1030	1601	2006	2256	2463	2634
9850	1032	1604	2011	2261	2469	2640
9900	1035	1608	2016	2267	2475	2647
9950	1037	1612	2021	2272	2481	2653
10000	1040	1616	2026	2278	2487	2659

(f) Adjusted basic child support obligation.- The adjusted basic child support obligation shall be determined by multiplying the basic child support obligation by one and one-half.

(g) Child care expenses.-

(1) Subject to paragraphs (2) and (3) of this subsection, actual child care expenses incurred on behalf of a child due to employment or job search of either parent shall be added to the basic obligation and shall be divided between the parents in proportion to their adjusted actual incomes.

(2) Child care expenses shall be:

(i) determined by actual family experience, unless the court determines that the actual family experience is not in the best interest of the child; or

(ii) if there is no actual family experience or if the court determines that actual family experience is not in the best interest of the child:

1. the level required to provide quality care from a licensed source; or

2. if the custodial parent chooses quality child care with an actual cost of an amount less than the level required to provide quality care from a licensed source, the actual cost of the child care expense.

(3) Additional child care expenses may be considered if a child has special needs.

(h) Extraordinary medical expenses.- Any extraordinary medical expenses incurred on behalf of a child shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted actual incomes.

(i) School and transportation expenses.- By agreement of the parties or by order of court, the following expenses incurred on behalf of a child may be divided between the parents in proportion to their adjusted actual incomes:

(1) any expenses for attending a special or private elementary or secondary school to meet the particular educational needs of the child; or

(2) any expenses for transportation of the child between the homes of the parents.

(j) Setoff for third party payments.-

(1) Except as provided in paragraph (2) of this subsection, when a disability dependency benefit, a retirement dependency benefit, or other third party dependency benefit is paid to or for a child of an obligor who is disabled, retired, or is receiving benefits from any source as a result of a compensable claim, the amount of the compensation shall be set off against the child support obligation calculated using the guidelines.

(2) (i) If the amount paid to or for a child exceeds the current child support obligation calculated using the guidelines, the excess payment shall be credited to any existing child support arrearage that accrued after the effective date the benefits were awarded.

(ii) The excess payment may not be credited to any future child support obligation.

(k) Use, possession or occupancy of family home.-

(1) Upon the expiration of a use and possession order or the expiration of the right to occupy the family home under a separation or property settlement agreement and upon motion of either party, the court shall review the child support award.

(2) If the allocation of financial responsibility for the family home was a factor in departing from the guidelines under subsection (a) of this section, the court may modify the child support, if appropriate in all the circumstances, upon the expiration of the use and possession order or the expiration of the right to occupy the family home under a separation or property settlement agreement.

(l) Cases other than shared physical custody cases.-

(1) Except in cases of shared physical custody, each parent's child support obligation shall be determined by adding each parent's respective share of the basic child support obligation, work-related child care expenses, extraordinary medical expenses, and additional expenses under subsection (i) of this section.

(2) The custodial parent shall be presumed to spend that parent's total child support obligation directly on the child or children.

(3) The noncustodial parent shall owe that parent's total child support obligation as child support to the custodial parent minus any ordered payments included in the calculations made directly by the noncustodial parent on behalf of the child or children for work-related child care expenses, extraordinary medical expenses, or additional expenses under subsection (i) of this section.

(m) Shared physical custody cases.-

(1) In cases of shared physical custody, the adjusted basic child support obligation shall first be divided between the parents in proportion to their respective adjusted actual incomes.

(2) Each parent's share of the adjusted basic child support obligation shall then be multiplied by the percentage of time the child or children spend with the other parent to determine the theoretical basic child support obligation owed to the other parent.

(3) Subject to the provisions of paragraphs (4) and (5) of this subsection, the parent owing the greater amount under paragraph (2) of this subsection shall owe the difference in the 2 amounts as child support.

(4) In addition to the amount of the child support owed under paragraph (3) of this subsection, if either parent incurs child care expenses under subsection (g) of this section, extraordinary medical expenses under subsection (h) of this section, or additional expenses under subsection (i) of this section, the expense shall be divided between the parents in proportion to their respective adjusted actual incomes. The parent not incurring the expense shall pay that parent's proportionate share to:

(i) the parent making direct payments to the provider of the service; or

(ii) the provider directly, if a court order requires direct payments to the provider.

(5) The amount owed under paragraph (3) of this subsection may not exceed the amount that would be owed under subsection (l) of this section if the obligor parent were a noncustodial parent.

