

wilfully neglect to provide for the support and maintenance of his wife or children or both." (Italics supplied). See prior law Art. 27, Sec. 88 (a) where "just cause" phrase used in connection with wife, but left out in connection with children, Art. 27, Sec. 88 (b).

5. Putting all non-support into equity under the Bill as presently drawn will cause delay in hearings because of the pleadings which must be filed and answered in conformity with equity procedure and the rules of court. The Bill could have spelled out a more simplified procedure to be followed in these cases.

6. The Bill puts all non-support on a circuit court level, and such a procedure may create a problem for some of the counties.

7. If all support orders come through the equity courts, enforcement will be by means of contempt proceedings which means that in order to be effective there will have to be active cooperation among the sheriffs of all the counties and the City of Baltimore in serving show-cause contempt orders and body attachments. Baltimore City has many cases where payors are residents of or work in other counties. Service of these papers also involves sheriff's fees which may create a practical problem in cases of people with limited means. Also, on attachment proceedings and hearings, if the court makes a finding of contempt, the contemnor is confined to the Baltimore City Jail. Therefore, the procedures set up by H. B. No. 755 would not be available to payors confined under the new law.

8. There are a great many existing criminal court orders which have a duration of three years; that is, a man has been put on probation for a period of three years either after sentence or without verdict to pay a specified amount each week for the support of his dependents. The law makes no provision for converting these orders into equity orders or for incorporating arrears accumulated thereunder at the expiration of the criminal court order.

9. There are also outstanding a number of unserved warrants in Baltimore City for violation of probation in criminal non-support cases. The Bill could have spelled out some procedure for disposition of these cases when the warrant is served after July 1, 1971, so that arrears can be preserved. Judges will be presented with the problem of whether or not to incarcerate a man for violation of a statute which has been repealed.

10. The Bill seems to remove all discretionary power from the State's Attorney to determine the merits of a complaint before instituting a proceeding in that it provides that it shall be the duty of the State's Attorney to act on behalf of the complainant or petitioner upon oath that she or he is without funds to obtain private counsel. That discretionary power is presently vested in the State's Attorney in Art. 27 and Art. 16, Sec. 66B, the present paternity law.

11. In all respects the bill fails to provide for the conversion to equity of presently existing criminal court orders as was done by the legislature when Article 12 (Bastardy and Fornication) was repealed and disputed paternity proceedings were put into Art. 16.

12. Thomas P. MacCarthy, who served as Master in the Domestic Relations Division, before me and who at present is serving as Administrator of the Supreme Bench of Baltimore City, submitted a