

Child and Spousal Support - Statute of Limitations

FOR the purpose of establishing a 3 year limitation for commencing a contempt-of-court action against a parent in default on court-ordered child support or against a spouse in default on court ordered spousal support.

BY adding to

Article 16 - Chancery
Section 5C
Annotated Code of Maryland
(1973 Replacement Volume and 1980 Supplement)

BY adding to

Article - Courts and Judicial Proceedings
Section 5-111
Annotated Code of Maryland
(1980 Replacement Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 16 - Chancery

5C.

~~{A}--EXCEPT-AS-PROVIDED-BY-THIS-SECTION, A PROCEEDING TO HOLD A PARENT PERSON IN CONTEMPT OF COURT FOR THE PARENT'S PERSON'S DEFAULT IN PAYMENT OF PERIODIC CHILD OR SPOUSAL SUPPORT UNDER THE TERMS OF A COURT ORDER SHALL BE COMMENCED WITHIN 3 YEARS OF THE DATE EACH INSTALLMENT OF SUPPORT BECAME DUE AND REMAINED UNPAID. IF-THE-PARENT-IN ARREARS-WAS-ABSENT-FROM-MARYLAND-AT-THE-TIME-ANY-INSTALLMENT BECAME-DUE, IT-IS-SUFFICIENT-IF-SUCH-PROCEEDING-IS-COMMENCED WITHIN-3-YEARS-OF-THE-DATE-OF-THE-PARENT'S--RETURN--TO--THIS STATE.~~

~~{B}--THIS--SECTION-DOES-NOT-APPLY-IF-A-COURT-DETERMINES THAT-THE--PARTY--INSTITUTING--THE--CONTEMPT--PROCEEDING--WAS JUSTIFIED-IN-FAILING-TO-TAKE-ACTION-WITHIN-THE-3-YEAR-PERIOD TO--ENFORCE--THE--DEFAULTING-PARENT'S-OBLIGATION-TO-ABIDE-BY THE-TERMS-OF-THE-CHILD-SUPPORT-ORDER.~~

Article - Courts and Judicial Proceedings

5-111.

A PROCEEDING TO HOLD A PERSON IN CONTEMPT OF COURT FOR THE PERSON'S DEFAULT IN PAYMENT OF PERIODIC CHILD OR SPOUSAL SUPPORT UNDER THE TERMS OF A COURT ORDER SHALL BE COMMENCED WITHIN 3 YEARS OF THE DATE EACH INSTALLMENT OF SUPPORT BECAME DUE AND REMAINED UNPAID.