

(b) (1) Any parent who deserts or wilfully neglects to provide for the support and maintenance of his or her child under the age of 18 is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$100, or imprisonment not exceeding three years, or both.

(2) Any parent charged with a violation of this section may be prosecuted in the jurisdiction where he or she or the child resides. Jurisdiction of a criminal court under this section is not affected by commencement of a civil support action before or after prosecution under this section.

(3) However, before the trial with the consent of the defendant or after conviction, instead of or in addition to imposing the punishment provided in paragraph (1) of this subsection, the court, in its discretion, having regard to the circumstances and financial ability of the defendant, may pass an order that, subject to change by the court from time to time as the circumstances require, directs the defendant to pay a certain sum weekly for the space of three years to the person or institution having custody of the minor child or children or, if the [bureau of support enforcement of the Social Services Administration] CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES has received an assignment under Article 88A, § 48, to the [bureau] ADMINISTRATION. If there is an agreement with respect to such child or children, the court may pass an order directing that the defendant adhere to the provisions of the agreement for child support and make payments under the agreement to the recipient designated therein. Payments under this section shall be made to the [bureau of support enforcement of the Social Services Administration] CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES or to the clerk of court or to such other public agency as may be responsible for keeping accounts. Such agency promptly shall forward the payment to the person having custody of the minor child or children or to the [bureau of support enforcement] CHILD SUPPORT ENFORCEMENT ADMINISTRATION, as specified in the order. If the court passes the order, the court may release the defendant from custody on probation for the space of three years upon his or her entering into a recognizance in such sum as the court shall direct, with or without sureties. Any such order shall constitute a lien on the earnings of the defendant. The employer is required to deduct the amount of such decree as soon as notified by the [bureau of support enforcement] CHILD SUPPORT ENFORCEMENT ADMINISTRATION or designated local agency and to pay all deductions directly to the [bureau of support enforcement of the Social Services Administration] CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES or the locally designated agency for the collection of support payments. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance at the court whenever ordered to do so within the three years and shall further comply with the terms of the order, or of any subsequent modification of the order, then the recognizance shall be void,