

and may be ordered to pay support, the payments required under this section are contingent on a finding of paternity, and, therefore, are restricted to a father.

In subsection (b) of this section, "weekly or otherwise", which formerly modified the duty to pay for support, is deleted as unnecessary.

In subsection (c) of this section, the former phrases "finally and completely" and "under all the provisions of law applicable to the order", which modified "paid", are deleted as unnecessary.

In the introductory language of subsection (d)(2) of this section, the word "father's", which modifies "employer", is new language added for clarity.

In subsection (d)(2)(i) of this section, the phrase "from the father's earnings", which modifies "deducting", is new language added for clarity.

The Commission to Revise the Annotated Code calls the attention of the General Assembly to several aspects of this section. First, this section, like its precursor, former Article 16, § 66H(a)(2), does not provide for a lien on the earnings of a mother, although a court may order a mother to pay support under this subtitle. Secondly, this section, like former Article 16, § 66H(a)(2), does not include procedural provisions comparable to those in Title 10, Subtitle 1 of this article. Finally, a lien may be imposed under this section even though there is no arrearage, while, under Title 10, Subtitle 1 of this article, a person must be in arrears more than 30 days before that person's earnings are subject to a lien. The General Assembly may wish to consider amending this section to conform it more closely to Title 10, Subtitle 1 of this article and to avoid possible constitutional defects in this section.

Defined term: "Support" § 1-101

5-1033. SUPPORT BY EITHER PARENT; HOSPITAL, FUNERAL, AND LEGAL EXPENSES.

(A) IN GENERAL.

IN A PATERNITY PROCEEDING, THE COURT MAY ORDER THE FATHER OR THE MOTHER TO PAY ALL OR PART OF ANY 1 OR MORE OF THE FOLLOWING:

- (1) THE SUPPORT OF THE CHILD;
- (2) THE MOTHER'S MEDICAL AND HOSPITAL EXPENSES FOR PREGNANCY, CONFINEMENT, AND RECOVERY; AND