

The Court's Contempt and Imprisonment Powers for Child and or Spousal Support

The Maryland courts generally require strict compliance with a decree for child and/or spousal support. If a parent or spouse ordered to pay support does not adhere to the terms of the decree, he or she can be found in contempt of court. The court's contempt powers include imprisonment if the nonpaying spouse has the ability to pay the amount and fails to do so. This is an exception to the general rule that a person cannot be imprisoned for debt.

The State's Attorney can also criminally prosecute intentional failure to pay child support cases. However, in both the contempt and criminal prosecution cases, where a real inability to pay can be shown, jail will probably not result.

Custody and visitation orders can also be enforced through the court's contempt powers. An unjustifiable denial or interference with court-ordered custody or visitation can result in the court ordering make-up time or modification of the existing order to ensure future compliance. The court can also assess attorneys fees and costs against the offending party.

Read the law: [Md. Code, Family Law § 11-110](#)

Maryland's Mandatory Earnings Withholding Statute

Child and spousal support orders are subject to Maryland's mandatory earnings withholding statute. The law requires that the payor parent's employer withhold from the payor parent's paycheck a court ordered amount. That amount is forwarded to the child support recipient either directly or through the child support agency.

The law is intended to assist an individual who wishes to pursue support enforcement without an attorney or with the assistance of the Child Support Enforcement Administration. It places on the courts many responsibilities usually performed by attorneys. Sample forms should be available at the clerk's office in every county and Baltimore City.

Read the Law: [Md. Code, Family Law Title 10, Subtitle 1, Part III](#)

If a parent leaves the state to avoid paying child support, and a child support order has been established, that order can be enforced through the Uniform Interstate Family Support Act (UIFSA). If there is no child support order, child support can be established through UIFSA. UIFSA actions can be handled through the Maryland child support agency in your county.

Read the Law: [Md. Code Family Law Title 10, Subtitle 3](#)