

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1247
Judiciary

(Delegate McMillan)

Family Law - Child Support Actions - Court Costs

This bill requires a court, unless it finds that justice requires otherwise, to award the court costs to the prevailing party in any case regarding a proceeding (1) to recover arrearages of child support; (2) to enforce a decree of child support; or (3) to enforce a decree of custody or visitation.

Fiscal Summary

State Effect: The bill does not directly impact the workload or finances of the Judiciary.

Local Effect: The bill does not directly impact the workload or finances of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: The court may award to either party the costs and counsel fees that are just and proper under all the circumstances in any case in which a person (1) applies for a decree or modification of a decree concerning the custody, support, or visitation of a child of the parties or (2) files any form of proceeding to recover arrearages of child support, enforce a decree of child support, or enforce a decree of custody or visitations.

Before awarding costs and counsel fees, the court must consider the financial status of each party, the needs of each party, and whether there was substantial justification for bringing, maintaining, or defending the proceeding. On a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding,

and absent a finding by the court of good cause to the contrary, the court must award to the other party costs and counsel fees.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2017
mm/kdm

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