

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 665
 Judiciary

(Delegate Lierman, *et al.*)

Judicial Proceedings

Criminal Procedure - Family Law Services for Sustained Safety Fund

This bill establishes the Family Law Services for Sustained Safety Fund to increase legal services in family law cases for victims. The Governor’s Office of Crime Control and Prevention (GOCCP) must administer the fund. Beginning in fiscal 2021, the Governor must include in the annual State budget \$3.1 million for the fund, of which \$100,000 must be general funds and \$3.0 million must be from federal funds received under the Victims of Crime Act (VOCA).

Fiscal Summary

State Effect: General and federal fund expenditures increase by a total of \$3.1 million annually beginning in FY 2021 to capitalize the fund. Special fund revenues and expenditures increase commensurately to provide grants for family law services. General fund revenues increase minimally from investment earnings of the new fund. **This bill establishes a mandated appropriation beginning in FY 2021.**

(\$ in millions)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
GF Revenue	\$0	-	-	-	-
SF Revenue	\$0	\$3.1	\$3.1	\$3.1	\$3.1
GF Expenditure	\$0	\$0.1	\$0.1	\$0.1	\$0.1
SF Expenditure	\$0	\$3.1	\$3.1	\$3.1	\$3.1
FF Expenditure	\$0	\$3.0	\$3.0	\$3.0	\$3.0
Net Effect	\$0.0	(\$3.1)	(\$3.1)	(\$3.1)	(\$3.1)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not materially affect the workload of the circuit courts.

Small Business Effect: Minimal.

Analysis

Bill Summary: The fund must be used to increase legal services in family law cases for victims to help ensure safety and long-term stability after victimization by creating and sustaining (1) projects to provide core family law services and ancillary family law services to victims by sexual assault programs, domestic violence programs, child abuse programs, and legal services programs with a demonstrated history of providing direct legal services on behalf of victims and (2) cooperative projects between sexual assault programs, domestic violence programs, or child abuse programs and legal services programs or members of the Maryland Bar to provide the core family law services and ancillary family law services to victims.

The fund is a special nonlapsing fund. The Treasurer must hold the fund and invest its assets in the same manner as other State money, and the Comptroller must account for the fund. It consists of money appropriated in the State budget and any other money from any other source. Expenditures from the fund may be made only as provided in the State budget and are supplemental to and not intended to supplant money that a grantee from the fund receives from other sources. GOCCP, the Maryland Legal Services Corporation (MLSC), or any other State agency may not reduce other funding or choose not to fund current or future legal services projects based on the availability of grants issued pursuant to the bill. However, the bill may not be construed to limit the discretion of these entities to reduce or modify another grant award for reasons unrelated to the receipt of a grant issued pursuant to the bill.

The fund may be used only for core family law services and ancillary family law services for victims and costs related to providing these services. Each award from the fund must (1) include at least 75% from VOCA funding and up to 25% from general funds if requested by the award recipient and necessary to help meet federal matching fund requirements; (2) be awarded for a three-year period; and (3) be awarded to ensure that services supported by the fund are available in every jurisdiction in the State. Each grantee must receive training on the effects of domestic violence, sexual assault, and child abuse and provide services to victims with dignity, respect, and sensitivity. Grantees may not request that an individual waive any rights protecting confidential or privileged attorney-client communications as a condition of receiving services.

Current Law/Background: There is no dedicated State fund specifically for the provision of family law services. GOCCP administers numerous grants relating to crime victims and public safety, including those supported by VOCA funding. In federal fiscal 2018 (the most recent funding data available), the State was awarded \$61.1 million in federal VOCA funds. Although the amount of VOCA funding fluctuates annually, the 2018 *Joint Chairmen's Report* noted a repeated concern about the failure to fully expend these grant funds. The report also requested GOCCP to provide information on the number

of victims of domestic violence, sexual assault, and child abuse who are unrepresented in family law court proceedings (includes divorce and custody cases). Despite attempts to gather the information and anecdotal evidence of the need for additional resources in this area, reliable data was not available.

MLSC was established by the Maryland General Assembly in 1982. It receives and distributes funds to nonprofit grantees that provide legal assistance to eligible clients in civil cases. MLSC receives some State funding from specified sources, including revenues from a surcharge assessed on fees, charges, and costs in civil cases. These funds are deposited by the Administrative Office of the Courts into the MLSC Fund, which MLSC then distributes in the form of grants to various organizations that perform the legal assistance services.

State Revenues: The bill does not amend § 6-226 of the State Finance and Procurement Article to exempt the fund from existing law that requires all investment earnings and interest from special funds to accrue to the general fund. Thus, general fund revenues increase minimally from interest earned on the new special fund.

State Expenditures: General and federal fund expenditures increase by \$3.1 million annually (\$3.0 million federal funds/\$100,000 general funds) beginning in fiscal 2021 as required by the bill's mandated appropriation. Special fund revenues and expenditures increase commensurately as the fund is used to provide grants for family law services, as specified in the bill.

The bill may improve operational efficiency for the Judiciary by reducing the number of *pro se* litigants, who may require more judicial resources. However, the bill is not anticipated to materially affect the workload for the trial courts.

Additional Information

Prior Introductions: None.

Cross File: SB 811 (Senators Smith and Zucker) - Judicial Proceedings.

Information Source(s): Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Department of Budget and Management; Department of Human Services; Department of Legislative Services

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