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**By: Delegates Grosfeld, Dembrow, Genn, and R. Baker**

Introduced and read first time: January 25, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Enforcement - Legal Representation**

3 FOR the purpose of establishing that the Child Support Enforcement Administration  
4 may be the complainant in a paternity proceeding in which the Administration is  
5 providing child support services under federal law; authorizing the Administration  
6 to initiate certain legal proceedings in any support action in which the  
7 Administration is providing child support services under federal law; specifying the  
8 role of certain attorneys who initiate or participate in certain legal proceedings;  
9 altering a certain definition; and generally relating to legal representation in certain  
10 child support proceedings.

11 BY repealing and reenacting, with amendments,  
12 Article - Family Law  
13 Section 5-1011 and 10-115  
14 Annotated Code of Maryland  
15 (1991 Replacement Volume and 1995 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Family Law**

19 5-1011.

20 (a) [If the complainant is the Administration, or a person approved for child  
21 support services by the Administration, the complainant shall be represented by:

22 (1) the Attorney General;

23 (2) the State's Attorney, if the State's Attorney has assumed the  
24 responsibility for representation under Title 10, Subtitle 1 of this article; or

25 (3) a qualified lawyer representing the Administration who is appointed by  
26 and subject to supervision and removal by the Attorney General.]

27 (1) THE ADMINISTRATION MAY BE THE COMPLAINANT IN ANY  
28 PROCEEDING UNDER THIS SUBTITLE IN WHICH THE ADMINISTRATION IS PROVIDING  
29 CHILD SUPPORT SERVICES UNDER FEDERAL LAW.

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1 (2) THE ADMINISTRATION SHALL BE REPRESENTED IN ACCORDANCE  
2 WITH § 10-115 OF THIS ARTICLE.

3 (b) [For purposes of providing legal representation in a paternity proceeding  
4 under this section, the] THE Administration may approve child support services for a  
5 person who resides out-of-state.

6 (c) A complainant under this section is not required to prepay courtcosts.

7 (d) If the Attorney General or a qualified lawyer appointed by the Attorney  
8 General represents the complainant under [this section] § 10-115 OF THIS ARTICLE, the  
9 Attorney General or the lawyer has the powers granted to the State's Attorney under §§  
10 5-1016, 5-1019, 5-1020, and 5-1021 of this subtitle.

11 10-115.

12 (a) In this section, "legal proceeding" means:

13 (1) a civil action for child support;

14 (2) a paternity proceeding under Title 5, Subtitle 10 of this article; [and]

15 (3) a proceeding under Subtitle 3 of this title; AND

16 (4) A PROCEEDING UNDER SUBTITLE 2 OF THIS TITLE.

17 (B) IN ANY SUPPORT ACTION IN WHICH THE ADMINISTRATION IS PROVIDING  
18 CHILD SUPPORT SERVICES UNDER FEDERAL LAW, THE ADMINISTRATION MAY  
19 INITIATE A LEGAL PROCEEDING TO ESTABLISH, MODIFY, OR ENFORCE A DUTY OF  
20 SUPPORT.

21 [(b)] (C) In a legal proceeding, the Administration [or an individual whom the  
22 Administration approves for child support services] shall be represented by:

23 (1) the Attorney General;

24 (2) the State's Attorney, if the State's Attorney has agreed to provide  
25 representation under subsection [(c)] (F) of this section; or

26 (3) a qualified lawyer [representing the Administration] who is appointed  
27 by and subject to supervision and removal by the Attorney General.

28 (D) AN ATTORNEY WHO INITIATES OR PARTICIPATES IN A LEGAL  
29 PROCEEDING UNDER THIS SECTION SHALL REPRESENT THE ADMINISTRATION  
30 EXCLUSIVELY.

31 (E) REPRESENTATION OF THE ADMINISTRATION BY AN ATTORNEY UNDER  
32 THIS SECTION:

33 (1) CREATES AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THAT  
34 ATTORNEY AND THE ADMINISTRATION; AND

35 (2) DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN  
36 THAT ATTORNEY AND ANY OTHER PERSON.

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1            [(c)] (F) (1) A State's Attorney may make a written agreement with the  
2 Secretary of Human Resources and the county to provide legal representation for a fiscal  
3 year. An agreement shall be made by September 1 of the year preceding the fiscal year for  
4 which representation will be provided.

5            (2) An agreement shall establish reasonable administrative and fiscal  
6 requirements for:

7                            (i) providing and continuing representation; and

8                            (ii) reimbursement.

9            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1996.