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

Introduced and read first time: January 15, 1997

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 and  
9 the effect of certain representation; requiring these attorneys to advise certain  
10 persons of the effect of the representation; and generally relating to legal  
11 representation in certain child support proceedings.

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 5-1011 and 10-115  
15 Annotated Code of Maryland  
16 (1991 Replacement Volume and 1996 Supplement)

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

19 **Article - Family Law**

20 5-1011.

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

23 (1) the Attorney General;

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

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

28 (1) THE ADMINISTRATION MAY BE THE COMPLAINANT IN ANY  
29 PROCEEDING UNDER THIS SUBTITLE IN WHICH THE ADMINISTRATION IS PROVIDING  
30 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 Administration may approve child support services for a person  
5 who resides out-of-state.

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

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.

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

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

22 (1) the Attorney General;

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

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

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

29 (E) REPRESENTATION OF THE ADMINISTRATION BY AN ATTORNEY UNDER  
30 THIS SECTION:

31 (1) CREATES AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THAT  
32 ATTORNEY AND THE ADMINISTRATION; AND

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

35 (F) THE ATTORNEY REPRESENTING THE ADMINISTRATION IN A LEGAL  
36 PROCEEDING UNDER THIS SECTION SHALL ADVISE THE PERSON WHOM THE  
37 ADMINISTRATION HAS APPROVED FOR CHILD SUPPORT SERVICES THAT THE

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1 ATTORNEY'S REPRESENTATION OF THE ADMINISTRATION DOES NOT CREATE AN  
2 ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE ATTORNEY AND THAT PERSON.

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

7            (2) An agreement shall establish reasonable administrative and fiscal  
8 requirements for:

9                            (i) providing and continuing representation; and

10                           (ii) reimbursement.

11            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 1997.