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HB 324/96 - JUD

1997 Regular Session
7r1078

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

Introduced and read first time: January 15, 1997

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 4, 1997

CHAPTER ____

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;

2

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

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

5 (1) THE ADMINISTRATION MAY BE THE COMPLAINANT IN ANY
6 PROCEEDING UNDER THIS SUBTITLE IN WHICH THE ADMINISTRATION IS PROVIDING
7 CHILD SUPPORT SERVICES UNDER FEDERAL LAW.

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

10 (b) For purposes of providing legal representation in a paternity proceeding
11 under this section, the Administration may approve child support services for a person
12 who resides out-of-state.

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

14 (d) If the Attorney General or a qualified lawyer appointed by the Attorney
15 General represents the complainant under [this section] § 10-115 OF THIS ARTICLE, the
16 Attorney General or the lawyer has the powers granted to the State's Attorney under §§
17 5-1016, 5-1019, 5-1020, and 5-1021 of this subtitle.

18 10-115.

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

20 (1) a civil action for child support;

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

22 (3) a proceeding under Subtitle 3 of this title.

23 (B) IN ANY SUPPORT ACTION IN WHICH THE ADMINISTRATION IS PROVIDING
24 CHILD SUPPORT SERVICES UNDER FEDERAL LAW, THE ADMINISTRATION MAY
25 INITIATE A LEGAL PROCEEDING TO ESTABLISH, MODIFY, OR ENFORCE A DUTY OF
26 SUPPORT.

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

29 (1) the Attorney General;

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

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

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

36 (E) REPRESENTATION OF THE ADMINISTRATION BY AN ATTORNEY UNDER
37 THIS SECTION:

3

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

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

5 (F) THE ATTORNEY REPRESENTING THE ADMINISTRATION IN A LEGAL
6 PROCEEDING UNDER THIS SECTION SHALL ADVISE THE PERSON WHOM THE
7 ADMINISTRATION HAS APPROVED FOR CHILD SUPPORT SERVICES THAT THE
8 ATTORNEY'S REPRESENTATION OF THE ADMINISTRATION DOES NOT CREATE AN
9 ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE ATTORNEY AND THAT PERSON.

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

14 (2) An agreement shall establish reasonable administrative and fiscal
15 requirements for:

16 (i) providing and continuing representation; and

17 (ii) reimbursement.

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