

Unofficial Copy  
D4

1997 Regular Session  
7lr1081

---

**By: Delegates Grosfeld, Preis, T. Murphy, and Turner**

Introduced and read first time: January 15, 1997

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Award of Expenses**

3 FOR the purpose of adding absolute divorce, limited divorce, and property disposition in  
4 annulment or absolute divorce to the types of proceedings in which a court may  
5 award to either party an amount for the reasonable and necessary expense of  
6 prosecuting or defending the proceeding; requiring the court to consider certain  
7 factors before making an award; authorizing the court to award reimbursement for  
8 certain expenses previously paid; providing for the payment of counsel fees directly  
9 to certain persons; and generally relating to the award of reasonable and necessary  
10 expenses in certain proceedings.

11 BY adding to

12 Article - Family Law

13 Section 7-107 and 8-214

14 Annotated Code of Maryland

15 (1991 Replacement Volume and 1996 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 7-107.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (2) "PROCEEDING" INCLUDES A PROCEEDING FOR:

23 (I) ABSOLUTE DIVORCE; AND

24 (II) LIMITED DIVORCE.

25 (3) "REASONABLE AND NECESSARY EXPENSE" INCLUDES:

26 (I) SUIT MONEY;

27 (II) COUNSEL FEES; AND

28 (III) COSTS.

2

1 (B) AT ANY POINT IN A PROCEEDING UNDER THIS TITLE, THE COURT MAY  
2 ORDER EITHER PARTY TO PAY TO THE OTHER PARTY AN AMOUNT FOR THE  
3 REASONABLE AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE  
4 PROCEEDING.

5 (C) BEFORE ORDERING THE PAYMENT, THE COURT SHALL CONSIDER:

6 (1) THE FINANCIAL RESOURCES AND FINANCIAL NEEDS OF BOTH  
7 PARTIES; AND

8 (2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR  
9 PROSECUTING OR DEFENDING THE PROCEEDING.

10 (D) UPON A FINDING BY THE COURT THAT THERE WAS AN ABSENCE OF  
11 SUBSTANTIAL JUSTIFICATION OF A PARTY FOR PROSECUTING OR DEFENDING THE  
12 PROCEEDING, AND ABSENT A FINDING BY THE COURT OF GOOD CAUSE TO THE  
13 CONTRARY, THE COURT SHALL AWARD TO THE OTHER PARTY THE REASONABLE  
14 AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE PROCEEDING.

15 (E) THE COURT MAY AWARD REIMBURSEMENT FOR ANY REASONABLE AND  
16 NECESSARY EXPENSE THAT HAS PREVIOUSLY BEEN PAID.

17 (F) AS TO ANY AMOUNT AWARDED FOR COUNSEL FEES, THE COURT MAY:

18 (1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE  
19 LAWYER; AND

20 (2) ENTER JUDGMENT IN FAVOR OF THE LAWYER.

21 8-214.

22 (A) IN THIS SECTION "REASONABLE AND NECESSARY EXPENSE" INCLUDES:

23 (1) SUIT MONEY;

24 (2) COUNSEL FEES; AND

25 (3) COSTS.

26 (B) AT ANY POINT IN A PROCEEDING UNDER THIS SUBTITLE, THE COURT  
27 MAY ORDER EITHER PARTY TO PAY TO THE OTHER PARTY AN AMOUNT FOR THE  
28 REASONABLE AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE  
29 PROCEEDING.

30 (C) BEFORE ORDERING THE PAYMENT, THE COURT SHALL CONSIDER:

31 (1) THE FINANCIAL RESOURCES AND FINANCIAL NEEDS OF BOTH  
32 PARTIES; AND

33 (2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR  
34 PROSECUTING OR DEFENDING THE PROCEEDING.

35 (D) UPON A FINDING BY THE COURT THAT THERE WAS AN ABSENCE OF  
36 SUBSTANTIAL JUSTIFICATION OF A PARTY FOR PROSECUTING OR DEFENDING THE  
37 PROCEEDING, AND ABSENT A FINDING BY THE COURT OF GOOD CAUSE TO THE

3

1 CONTRARY, THE COURT SHALL AWARD TO THE OTHER PARTY THE REASONABLE  
2 AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE PROCEEDING.

3 (E) THE COURT MAY AWARD REIMBURSEMENT FOR ANY REASONABLE AND  
4 NECESSARY EXPENSE THAT HAS PREVIOUSLY BEEN PAID.

5 (F) AS TO ANY AMOUNT AWARDED FOR COUNSEL FEES, THE COURT MAY:

6 (1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE  
7 LAWYER; AND

8 (2) ENTER JUDGMENT IN FAVOR OF THE LAWYER.

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