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

Introduced and read first time: January 15, 1997

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: February 18, 1997

CHAPTER ____

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; providing for the application of this Act; and generally relating
10 to the award of reasonable and necessary 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

2

1 (II) LIMITED DIVORCE.

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

3 (I) SUIT MONEY;

4 (II) COUNSEL FEES; AND

5 (III) COSTS.

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

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

11 (1) THE FINANCIAL RESOURCES AND FINANCIAL NEEDS OF BOTH
12 PARTIES; AND

13 (2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR
14 PROSECUTING OR DEFENDING THE PROCEEDING.

15 (D) UPON A FINDING BY THE COURT THAT THERE WAS AN ABSENCE OF
16 SUBSTANTIAL JUSTIFICATION OF A PARTY FOR PROSECUTING OR DEFENDING THE
17 PROCEEDING, AND ABSENT A FINDING BY THE COURT OF GOOD CAUSE TO THE
18 CONTRARY, THE COURT SHALL AWARD TO THE OTHER PARTY THE REASONABLE
19 AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE PROCEEDING.

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

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

23 (1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE
24 LAWYER; AND

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

26 8-214.

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

28 (1) SUIT MONEY;

29 (2) COUNSEL FEES; AND

30 (3) COSTS.

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

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

3

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

3 (2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR
4 PROSECUTING OR DEFENDING THE PROCEEDING.

5 (D) UPON A FINDING BY THE COURT THAT THERE WAS AN ABSENCE OF
6 SUBSTANTIAL JUSTIFICATION OF A PARTY FOR PROSECUTING OR DEFENDING THE
7 PROCEEDING, AND ABSENT A FINDING BY THE COURT OF GOOD CAUSE TO THE
8 CONTRARY, THE COURT SHALL AWARD TO THE OTHER PARTY THE REASONABLE
9 AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE PROCEEDING.

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

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

13 (1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE
14 LAWYER; AND

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to
17 cases filed on or after the effective date of this Act.

18 SECTION ~~2~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1997.