

HOUSE BILL 42

Unofficial Copy  
D4  
HB 215/97 - JUD

1998 Regular Session  
8r0078

(PRE-FILED)

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

Requested: July 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judiciary

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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  
4 in annulment or divorce to the types of proceedings in which a court may award  
5 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  
8 for certain expenses previously paid; providing for the payment of counsel fees  
9 directly to certain persons; providing for the application of this Act; and  
10 generally relating to the award of reasonable and necessary expenses in certain  
11 proceedings.

12 BY adding to  
13 Article - Family Law  
14 Section 7-107 and 8-214  
15 Annotated Code of Maryland  
16 (1991 Replacement Volume and 1997 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 7-107.

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

22 (1) SUIT MONEY;

23 (2) COUNSEL FEES; AND

24 (3) COSTS.

25 (B) AT ANY POINT IN A PROCEEDING UNDER THIS TITLE, THE COURT MAY  
26 ORDER EITHER PARTY TO PAY TO THE OTHER PARTY AN AMOUNT FOR THE

1 REASONABLE AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE  
2 PROCEEDING.

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

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

6 (2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR  
7 PROSECUTING OR DEFENDING THE PROCEEDING.

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

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

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

16 (1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE  
17 LAWYER; AND

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

19 8-214.

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

21 (1) SUIT MONEY;

22 (2) COUNSEL FEES; AND

23 (3) COSTS.

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

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

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

31 (2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR  
32 PROSECUTING OR DEFENDING THE PROCEEDING.

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

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

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

9 (1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE  
10 LAWYER; AND

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

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 1998.