

HOUSE BILL 42

Unofficial Copy  
D4  
HB 215/97 - JUD

1998 Regular Session  
8r0078

(PRE-FILED)

---

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

Requested: July 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judiciary

---

Committee Report: Favorable

House action: Adopted

Read second time: February 10, 1998

---

CHAPTER \_\_\_\_\_

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:

1 (1) SUIT MONEY;

2 (2) COUNSEL FEES; AND

3 (3) COSTS.

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

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

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

11 (2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR  
12 PROSECUTING OR DEFENDING THE PROCEEDING.

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

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

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

21 (1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE  
22 LAWYER; AND

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

24 8-214.

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

26 (1) SUIT MONEY;

27 (2) COUNSEL FEES; AND

28 (3) COSTS.

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

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

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 AND  
9 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  
17 to cases filed on or after the effective date of this Act.

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