

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 766 (Delegate Petzold)

Judiciary

Family Law - Appointment of Counsel for Minors - Contested Custody and Visitation Cases

This bill requires a court to appoint counsel to represent a minor child in a contested custody or visitation case. The court may impose counsel fees against either or both parents.

Under current law a court may appoint counsel to represent a minor child in a contested custody or visitation case.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances.

Local Effect: Potential increase in expenditures for circuit courts.

Small Business Effect: Potential meaningful.

Fiscal Analysis

Local Expenditures: The Maryland State Bar Association advises that courts currently appoint counsel to represent children in some contested custody and visitation cases. The fees for these counsel are generally assessed against one or both parents. It is expected that the bill would result in the appointment of counsel for children in a significantly greater number of cases, and that the associated counsel fees would be assessed against parents. The bill could also cause prolonged litigation due to the introduction of additional attorneys into domestic proceedings. The extent to which any such additional litigation would affect circuit court operating costs cannot be determined at this time.

Small Business Effect: Family law attorneys could obtain additional business as a result of the bill by accepting appointments to represent children in custody and visitation cases.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State Bar Association (Family Law Section), Department of Legislative Services

Fiscal Note History: First Reader - March 10, 1999

lnc/jr

Analysis by: Claire E. Rooney

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 946-5510

(301) 970-5510