

HOUSE BILL 48

Unofficial Copy
D4

2000 Regular Session
0lr0444

(PRE-FILED)

By: **Delegate Getty**

Requested: August 26, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence - Attorney's Fees**

3 FOR the purpose of authorizing a court to order either party to pay to the other party
4 the reasonable attorney's fees incurred by the other party in certain domestic
5 violence proceedings; requiring the court to consider certain factors before
6 ordering payment; requiring the court to award attorney's fees under certain
7 circumstances; authorizing the court to order reimbursement for attorney's fees
8 previously paid; providing for the payment of attorney's fees directly to the
9 attorney; authorizing the court to enter judgment in favor of the attorney; and
10 generally relating to the award of attorney's fees in domestic violence
11 proceedings.

12 BY adding to
13 Article - Family Law
14 Section 4-512
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 1999 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 4-512.

21 (A) IN A PROCEEDING UNDER THIS SUBTITLE, THE COURT MAY ORDER
22 EITHER PARTY TO PAY TO THE OTHER PARTY THE REASONABLE ATTORNEY'S FEES
23 INCURRED BY THE OTHER PARTY IN BRINGING, MAINTAINING, OR DEFENDING THE
24 PROCEEDING.

25 (B) BEFORE ORDERING PAYMENT, THE COURT SHALL CONSIDER:

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

1 (2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR
2 BRINGING, MAINTAINING, OR DEFENDING THE PROCEEDING.

3 (C) UPON A FINDING BY THE COURT THAT THERE WAS AN ABSENCE OF
4 SUBSTANTIAL JUSTIFICATION OF A PARTY FOR BRINGING, MAINTAINING, OR
5 DEFENDING THE PROCEEDING, AND ABSENT A FINDING BY THE COURT OF GOOD
6 CAUSE TO THE CONTRARY, THE COURT SHALL AWARD TO THE OTHER PARTY THE
7 REASONABLE ATTORNEY'S FEES INCURRED BY THE OTHER PARTY IN BRINGING,
8 MAINTAINING, OR DEFENDING THE PROCEEDING.

9 (D) (1) THE COURT MAY:

10 (I) ORDER REIMBURSEMENT FOR ANY ATTORNEY'S FEES THAT
11 HAVE PREVIOUSLY BEEN PAID; OR

12 (II) ORDER THAT AN AMOUNT AWARDED BE PAID DIRECTLY TO THE
13 ATTORNEY.

14 (2) IF THE COURT ORDERS THAT AN AMOUNT AWARDED BE PAID
15 DIRECTLY TO THE ATTORNEY, THE COURT MAY ENTER JUDGMENT IN FAVOR OF THE
16 ATTORNEY.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2000.