

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 48 (Delegate Getty)  
Judiciary

---

Domestic Violence - Attorney's Fees

---

This bill authorizes a court to order either party in a domestic violence proceeding to pay to the other party the reasonable attorney's fees incurred by the other party in bringing, maintaining, or defending the proceeding. The bill sets forth factors for a court to consider before ordering payment. A court must award attorney's fees to a party, unless there is good cause to the contrary, if the court finds that the other party brought, maintained, or defended the proceeding without substantial justification.

---

Fiscal Summary

**State Effect:** The bill would not significantly impact governmental operations or finances.

**Local Effect:** The bill would not significantly impact governmental operations or finances.

**Small Business Effect:** None.

---

Analysis

**Current Law:** A protective order may require the respondent to pay filing fees and costs of the domestic violence proceeding.

Section 7-107 of the Family Law Article, which was enacted in 1999, authorizes a court to award reasonable and necessary expenses, including attorney's fees, to either party in a divorce proceeding.

**Background:** Virginia by statute allows a court to assess costs and attorney's fees against either party in a family abuse proceeding.

---

Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 2000

mld/jr

---

Analysis by: Claire E. Rooney

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510