### **HOUSE BILL 184**

Unofficial Copy D4 HB 626/02 - JUD 2003 Regular Session 3lr1931

By: Delegates Gordon and Simmons

Introduced and read first time: January 29, 2003

Assigned to: Judiciary

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### A BILL ENTITLED

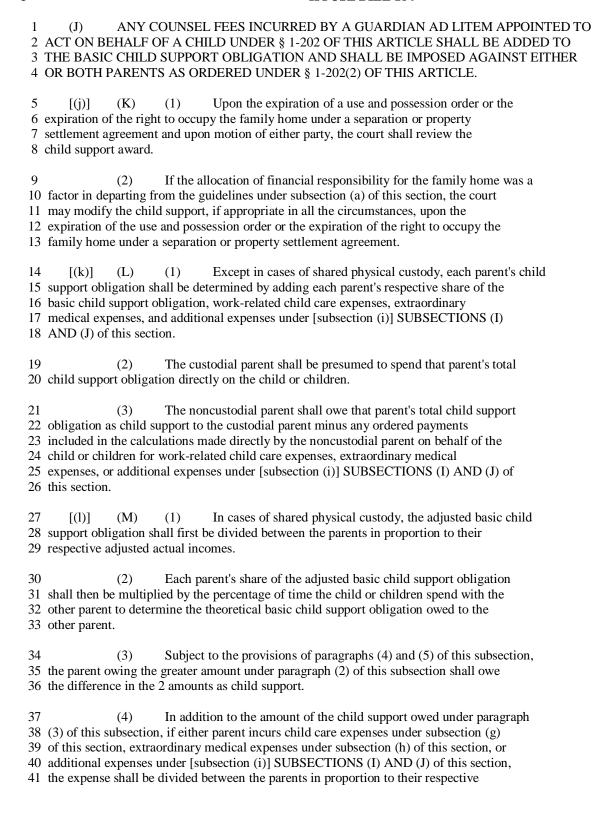
## 1 AN ACT concerning

# 2 Family Law - Child Support - Counsel Fees

- 3 FOR the purpose of providing that certain counsel fees incurred by a certain guardian
- 4 ad litem appointed to act on behalf of a child shall be added to the basic child
- 5 support obligation and imposed on either or both parents in a certain manner;
- 6 making certain conforming changes; and generally relating to child support and
- 7 counsel fees.
- 8 BY repealing and reenacting, without amendments,
- 9 Article Family Law
- 10 Section 1-202 and 12-204(g), (h), and (i)
- 11 Annotated Code of Maryland
- 12 (1999 Replacement Volume and 2002 Supplement)
- 13 BY adding to
- 14 Article Family Law
- 15 Section 12-204(j)
- 16 Annotated Code of Maryland
- 17 (1999 Replacement Volume and 2002 Supplement)
- 18 BY repealing and reenacting, with amendments,
- 19 Article Family Law
- 20 Section 12-204(j), (k), and (l)
- 21 Annotated Code of Maryland
- 22 (1999 Replacement Volume and 2002 Supplement)
- 23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 24 MARYLAND, That the Laws of Maryland read as follows:

# 1 Article - Family Law 2 1-202. 3 In an action in which custody, visitation rights, or the amount of support of a 4 minor child is contested, the court may: 5 appoint to represent the minor child counsel who may not represent (1) 6 any party to the action; and 7 (2) impose against either or both parents counsel fees. 8 12-204. 9 Subject to paragraphs (2) and (3) of this subsection, actual child care 10 expenses incurred on behalf of a child due to employment or job search of either parent shall be added to the basic obligation and shall be divided between the parents 12 in proportion to their adjusted actual incomes. 13 (2) Child care expenses shall be: 14 determined by actual family experience, unless the court 15 determines that the actual family experience is not in the best interest of the child; or if there is no actual family experience or if the court determines 16 (ii) 17 that actual family experience is not in the best interest of the child: 18 1. the level required to provide quality care from a licensed 19 source; or 20 2. if the custodial parent chooses quality child care with an 21 actual cost of an amount less than the level required to provide quality care from a 22 licensed source, the actual cost of the child care expense. 23 Additional child care expenses may be considered if a child has (3) 24 special needs. Any extraordinary medical expenses incurred on behalf of a child shall be 26 added to the basic child support obligation and shall be divided between the parents 27 in proportion to their adjusted actual incomes. By agreement of the parties or by order of court, the following expenses 28 29 incurred on behalf of a child may be divided between the parents in proportion to 30 their adjusted actual incomes: 31 any expenses for attending a special or private elementary or 32 secondary school to meet the particular educational needs of the child; or any expenses for transportation of the child between the homes of the (2) 34 parents.

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- adjusted actual incomes. The parent not incurring the expense shall pay that parent's proportionate share to:

  (i) the parent making direct payments to the provider of the service; or

  (ii) the provider directly, if a court order requires direct payments to the provider.

  (ii) the provider directly, if a court order requires direct payments to the provider.

  (5) The amount owed under paragraph (3) of this subsection may not exceed the amount that would be owed under subsection [(k)] (L) of this section if the obligor parent were a noncustodial parent.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 11 October 1, 2003.