

UNOFFICIAL COPY OF HOUSE BILL 700  
EMERGENCY BILL

D4

6lr2398  
CF 6lr2399

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By: **Delegates Dumais and Smigiel**  
Introduced and read first time: February 6, 2006  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                           **Family Law - Court-Appointed Lawyer for Child - Immunity from Civil**  
3                           **Liability**

4 FOR the purpose of authorizing the court to appoint a lawyer to represent a minor  
5 child in an action in which the court has reason to be concerned about the  
6 welfare of the child; authorizing the court to specify the role and duties of a  
7 child's lawyer in accordance with certain standards; authorizing the court to  
8 impose against either or both parents fees for services rendered at the request of  
9 the child's lawyer; establishing that a child's lawyer is immune from civil  
10 liability for certain acts or omissions, except under certain circumstances;  
11 establishing that a child's lawyer is immune from civil liability to any party  
12 other than a represented child; making this Act an emergency measure; and  
13 generally relating to the appointment of a lawyer to represent a minor child.

14 BY repealing and reenacting, with amendments,  
15 Article - Family Law  
16 Section 1-202  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume and 2005 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21                           **Article - Family Law**

22 1-202.

23 (A) In an action in which custody, visitation rights, or the amount of support of  
24 a minor child is contested, OR THE COURT HAS REASON TO BE CONCERNED ABOUT  
25 THE WELFARE OF A MINOR CHILD, the court may:

26                   (1) (I) appoint A LAWYER to represent the minor child [counsel] who  
27 may not represent any party to the action; and

1 (II) SPECIFY THE ROLE AND DUTIES OF THE CHILD'S LAWYER IN  
2 ACCORDANCE WITH THE MARYLAND STANDARDS OF PRACTICE FOR  
3 COURT-APPOINTED LAWYERS REPRESENTING CHILDREN; AND

4 (2) impose against either or both parents [counsel] fees FOR SERVICES  
5 RENDERED BY OR AT THE REQUEST OF THE CHILD'S LAWYER.

6 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT FOR ANY  
7 ACT OR OMISSION COMMITTED WITH WILLFUL OR RECKLESS DISREGARD FOR THE  
8 BEST INTERESTS OF A REPRESENTED CHILD, A LAWYER APPOINTED UNDER THIS  
9 SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE  
10 COURSE OF PERFORMING THE DUTIES ASSIGNED.

11 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LAWYER  
12 APPOINTED BY THE COURT TO REPRESENT A CHILD UNDER THIS SECTION IS  
13 IMMUNE FROM CIVIL LIABILITY TO ANY PARTY OTHER THAN A REPRESENTED CHILD.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
15 measure, is necessary for the immediate preservation of the public health or safety,  
16 has been passed by a yea and nay vote supported by three-fifths of all the members  
17 elected to each of the two Houses of the General Assembly, and shall take effect from  
18 the date it is enacted.