

UNOFFICIAL COPY OF SENATE BILL 930
EMERGENCY BILL

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6lr3126

By: **Senators Giannetti and Green**

Introduced and read first time: February 17, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of providing that counsel appointed by a court to represent a minor
5 child in certain matters has certain immunity from liability; altering the
6 definition of "State personnel" under the Maryland Tort Claims Act to include
7 counsel appointed for a child in certain matters; making this Act an emergency
8 measure; and generally relating to immunity from civil liability for certain
9 court-appointed counsel.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 1-202
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - State Government
17 Section 12-101(a)(13) and (14)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2005 Supplement)

20 BY adding to
21 Article - State Government
22 Section 12-101(a)(15)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2005 Supplement)

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

1

Article - Family Law

2 1-202.

3 (A) In an action in which custody, visitation rights, or the amount of support of
4 a minor child is contested, the court may:

5 (1) appoint to represent the minor child counsel who may not represent
6 any party to the action; and

7 (2) impose against either or both parents counsel fees.

8 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, COUNSEL WHO IS
9 APPOINTED TO REPRESENT A CHILD UNDER SUBSECTION (A) OF THIS SECTION HAS
10 THE IMMUNITY FROM LIABILITY PROVIDED UNDER § 5-522 OF THE COURTS ARTICLE
11 AND TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

12

Article - State Government

13 12-101.

14 (a) In this subtitle, unless the context clearly requires otherwise, "State
15 personnel" means:

16 (13) to the extent of a nonprofit organization's activities as a third party
17 payee, and to the extent the nonprofit organization has no other insurance for this
18 purpose, a nonprofit organization that has been approved by the Department of
19 Human Resources or its designee to serve as a third party payee for purposes of
20 providing temporary cash assistance, transitional assistance, or child-specific
21 benefits to Family Investment Program recipients; [or]

22 (14) a student, faculty, or staff member of an institution of higher
23 education who is providing a service under the Family Investment Program in
24 accordance with the provisions of Article 88A, § 47 or § 53 of the Code; OR

25 (15) COUNSEL APPOINTED TO REPRESENT A CHILD UNDER § 1-202 OF
26 THE FAMILY LAW ARTICLE.

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