

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1033

(Frederick County Delegation)

Judiciary

Frederick County - Courts - Filing Fee for Divorce Proceeding

This bill requires the Clerk of Court of Frederick County to charge a filing fee of \$100 for each divorce proceeding. Each month, the proceeds from the fee must be paid to the Board of County Commissioners, who must distribute the proceeds equally to the Heartly House, Inc. and the Child Advocacy Center of Frederick County.

Fiscal Summary

State Effect: None. The bill is not expected to affect State governmental operations or finances.

Local Effect: The Frederick County revenue increase from divorce action filing fees would vary according to the number of divorce actions filed.

Small Business Effect: None.

Analysis

Current Law: The State Court Administrator is required to determine the amount of all court costs and charges for the circuit courts, with the approval of the Board of Public Works. The fees and charges must be uniform throughout the State. The Comptroller must require the clerks of court to collect all fees required by law. The clerk may not charge the State, any county or municipality, or Baltimore City court costs, fees, or forfeitures unless the unit of government gives its consent.

The State Court Administrator must assess a maximum surcharge of \$25 per case, the proceeds of which must be deposited into the Maryland Legal Services Corporation Fund. A clerk of court may charge a reasonable fee for the performance of services that are not specifically enumerated by statute. A party who is aggrieved by a court cost or fee may request that a judge determine the reasonableness of the fee.

Background: Other than juvenile proceedings and appeals, the filing fee for docketing a civil action or proceeding is \$80. The schedule of court costs provided by statute does not interfere with a court's authority or duty to waive a charge, cost or fee or its prepayment. The court also retains its authority or duty to assess costs against one party or to allocate costs among the parties.

The Frederick County Board of Commissioners advises that the proceeds from the \$75 surcharge on marriage licenses in that county are designated for Heartly House, which provides assistance to victims of domestic violence.

Local Revenues: The Administrative Office of the Courts advises that in fiscal 2005, 1,331 new or reopened divorce or annulment actions had been filed in the Frederick County Circuit Court. *By way of illustration*, if 1,331 divorce actions are filed in fiscal 2007, the \$100 filing fee would generate \$133,100 to be distributed equally between the Heartly House and the Child Advocacy Center of Frederick County. Frederick County advises that with an expected caseload of 1,000 divorce proceedings annually, \$100,000 in additional revenues are expected under the provisions of this bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2006
mam/hlb

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