

SENATE BILL 193

D4

11r0573

By: **Senators Brochin and Raskin**

Introduced and read first time: January 26, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Divorce – Required Mediation**

3 FOR the purpose of requiring a circuit court, in divorce actions involving certain
4 family disputes, to issue an order requiring the parties to participate in
5 mediation; prohibiting the court from ordering mediation under certain
6 circumstances; requiring the court to select a certain mediator if the parties do
7 not agree on a mediator; providing for the payment of costs; authorizing the
8 Court of Appeals to adopt rules to implement this Act; defining certain terms;
9 and generally relating to mediation of family disputes in certain divorce actions.

10 BY adding to

11 Article – Family Law

12 Section 7–108

13 Annotated Code of Maryland

14 (2006 Replacement Volume and 2010 Supplement)

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

17 **Article – Family Law**

18 **7–108.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 **(2) “FAMILY DISPUTE” MEANS A DISPUTE BETWEEN PARTIES**
22 **RELATING TO ISSUES OF:**

23 **(1) CHILD CUSTODY OR VISITATION;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) SPOUSAL OR CHILD SUPPORT; OR**

2 **(III) PROPERTY DISPOSITION.**

3 **(3) "MEDIATION" HAS THE MEANING STATED IN TITLE 17 OF THE**
4 **MARYLAND RULES.**

5 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
6 **SUBSECTION, IN ANY ACTION FILED IN A CIRCUIT COURT UNDER THIS TITLE**
7 **INVOLVING A FAMILY DISPUTE, THE COURT SHALL ISSUE AN ORDER REQUIRING**
8 **THE PARTIES TO PARTICIPATE IN MEDIATION.**

9 **(2) THE COURT MAY NOT ORDER MEDIATION IF A PARTY OR**
10 **CHILD REPRESENTS TO THE COURT THAT THERE IS A GENUINE ISSUE OF**
11 **PHYSICAL OR SEXUAL ABUSE OF THE PARTY OR CHILD.**

12 **(C) UNLESS THE PARTIES AGREE ON A MEDIATOR, THE COURT SHALL**
13 **SELECT AN INDIVIDUAL WHO IS DESIGNATED AS A MEDIATOR UNDER TITLE 17**
14 **OF THE MARYLAND RULES.**

15 **(D) UNLESS OTHERWISE AGREED BY THE PARTIES, THE COSTS OF**
16 **MEDIATION SHALL BE DIVIDED EQUALLY AMONG THE PARTIES.**

17 **(E) THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THIS**
18 **SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011.