

HOUSE BILL 535

D3, D4

3lr1935

By: **Delegates Niemann, Ivey, Summers, Valderrama, Walker, and
A. Washington**

Introduced and read first time: January 30, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Court Fees – Surcharge on Divorce Petitions – Distribution to the Domestic**
3 **Violence Program Fund**

4 FOR the purpose of altering a certain surcharge on certain costs and charges in
5 divorce petitions; requiring a certain amount of a certain surcharge on divorce
6 petitions to be distributed to the Maryland Legal Services Corporation Fund
7 and a certain amount to be distributed to the Domestic Violence Program Fund;
8 establishing the Domestic Violence Program Fund as a special, nonlapsing fund;
9 specifying the purpose of the Fund; requiring the Executive Director of the
10 Governor’s Office of Crime Control and Prevention to administer the Fund;
11 requiring the State Treasurer to hold the Fund and the Comptroller to account
12 for the Fund; specifying the contents of the Fund; specifying the purpose for
13 which the Fund may be used; requiring money from the Fund to be distributed
14 in a certain manner; providing for the investment of money in and expenditures
15 from the Fund; requiring that certain investment earnings be credited to the
16 Fund; defining a certain term; and generally relating to divorce surcharges and
17 the Domestic Violence Program Fund.

18 BY repealing and reenacting, with amendments,
19 Article – Courts and Judicial Proceedings
20 Section 7–202
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2012 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Family Law
25 Section 4–515
26 Annotated Code of Maryland
27 (2012 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – State Finance and Procurement
3 Section 6–226(a)(2)(ii)69. and 70.
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2012 Supplement)

6 BY adding to
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(ii)71.
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2012 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 7–202.

15 (a) (1) The State Court Administrator shall determine the amount of all
16 court costs and charges for the circuit courts of the counties with the approval of the
17 Board of Public Works. The fees and charges shall be uniform throughout the State.

18 (2) The Comptroller of the State shall require clerks of court to collect
19 all fees required to be collected by law.

20 (b) The clerk may not charge the State, any county, municipality, or
21 Baltimore City any fee provided by this subtitle, unless the State, county,
22 municipality, or Baltimore City first gives its consent.

23 (c) The clerk is entitled to a reasonable fee for performing any other service
24 that is not enumerated in this subtitle or in §§ 3–601 through 3–603 of the Real
25 Property Article.

26 (d) The State Court Administrator, as part of the Administrator's
27 determination of the amount of court costs and charges in civil cases, shall assess a
28 surcharge that:

29 (1) **(I) [May] FOR ALL CIVIL CASES EXCEPT FOR DIVORCE**
30 **PETITIONS, MAY** not be more than \$25 per case; and

31 **[(2)] (II)** Shall be deposited into the Maryland Legal Services
32 Corporation Fund established under § 11–402 of the Human Services Article; **AND**

1 (2) FOR DIVORCE PETITIONS, MAY NOT BE MORE THAN \$70 PER
2 PETITION OF WHICH:

3 (i) NOT MORE THAN \$25 SHALL BE DEPOSITED INTO THE
4 MARYLAND LEGAL SERVICES CORPORATION FUND ESTABLISHED UNDER §
5 11-402 OF THE HUMAN SERVICES ARTICLE; AND

6 (ii) NOT MORE THAN \$45 SHALL BE PAID INTO THE
7 DOMESTIC VIOLENCE PROGRAM FUND ESTABLISHED UNDER § 4-515(E) OF
8 THE FAMILY LAW ARTICLE.

9 (e) The State Court Administrator shall:

10 (1) Assess a \$100 fee for the special admission of an out-of-state
11 attorney under § 10-215 of the Business Occupations and Professions Article; and

12 (2) Pay \$75 of the fee to the Janet L. Hoffman Loan Assistance
13 Repayment Program established under § 18-1502 of the Education Article.

14 (f) If a party in a proceeding feels aggrieved by any fee permitted under this
15 subtitle or by §§ 3-601 through 3-603 of the Real Property Article, the party may
16 request a judge of that circuit court to determine the reasonableness of the fee.

17 Article – Family Law

18 4-515.

19 (a) (1) The Executive Director shall establish a program in the Governor’s
20 Office of Crime Control and Prevention to help victims of domestic violence and their
21 children.

22 (2) The purpose of the program is to provide for victims of domestic
23 violence and their children, in each region of this State:

24 (i) temporary shelter or help in obtaining shelter;

25 (ii) counseling;

26 (iii) information;

27 (iv) referral; and

28 (v) rehabilitation.

29 (b) As a part of the domestic violence program, there shall be, in a major
30 population center of this State, at least 1 program serving the area.

1 (c) Any program established under this section shall be subject to the
2 following conditions:

3 (1) the program shall provide victims of domestic violence and their
4 children with a temporary home and necessary counseling;

5 (2) the Governor's Office of Crime Control and Prevention shall:

6 (i) supervise the program;

7 (ii) set standards of care and admission policies;

8 (iii) monitor the operation of the program and annually evaluate
9 the effectiveness of the program;

10 (iv) adopt rules and regulations that set fees for services at and
11 govern the operation of each program; and

12 (v) regularly consult, collaborate with, and consider the
13 recommendations of the federally recognized State domestic violence coalition
14 regarding domestic violence programs and policies, practices, and procedures that
15 impact victims of domestic violence and their children;

16 (3) the program shall accept from the police or any other referral
17 source in the community any victim of domestic violence and the child of any victim of
18 domestic violence; and

19 (4) housing may not be provided under this subtitle to an applicant for
20 housing who is not a resident of this State at the time the application for housing is
21 made.

22 (d) (1) As funds become available, the Executive Director may extend the
23 domestic violence program to other areas in this State.

24 (2) Expansion of the domestic violence program may include:

25 (i) establishing additional shelters; or

26 (ii) providing funds and technical assistance to a local
27 organization or agency that shows that it is able and willing to run a domestic violence
28 program.

29 **(E) (1) IN THIS SUBSECTION, "FUND" MEANS THE DOMESTIC**
30 **VIOLENCE PROGRAM FUND.**

31 **(2) THERE IS A DOMESTIC VIOLENCE PROGRAM FUND.**

1 (3) THE PURPOSE OF THE FUND IS TO PROVIDE FINANCIAL
2 SUPPORT TO DOMESTIC VIOLENCE SHELTERS.

3 (4) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

4 (5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS
5 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT
6 ARTICLE.

7 (II) THE STATE TREASURER SHALL HOLD THE FUND
8 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

9 (6) THE FUND CONSISTS OF:

10 (I) REVENUE DISTRIBUTED TO THE FUND UNDER §
11 7-202(D) OF THE COURTS ARTICLE;

12 (II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
13 FUND;

14 (III) INVESTMENT EARNINGS OF THE FUND; AND

15 (IV) ANY OTHER MONEY FROM ANY OTHER SOURCE
16 ACCEPTED FOR THE BENEFIT OF THE FUND.

17 (7) (I) THE FUND MAY BE USED ONLY TO PROVIDE FINANCIAL
18 SUPPORT TO DOMESTIC VIOLENCE SHELTERS.

19 (II) THE EXECUTIVE DIRECTOR SHALL DISTRIBUTE MONEY
20 FROM THE FUND TO DOMESTIC VIOLENCE SHELTERS IN EACH COUNTY IN
21 PROPORTION TO THE AMOUNT OF MONEY RECEIVED FROM THAT COUNTY
22 UNDER § 7-202(D) OF THE COURTS ARTICLE.

23 (8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF
24 THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

25 (II) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE
26 CREDITED TO THE SPECIAL FUND OF THE STATE.

27 (9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
28 ACCORDANCE WITH THE STATE BUDGET.

1

Article – State Finance and Procurement

2 6–226.

3 (a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not
4 apply to the following funds:

5 69. the Maryland Legal Services Corporation Fund; [and]

6 70. Mortgage Loan Servicing Practices Settlement Fund;

7 **AND**

8 **71. DOMESTIC VIOLENCE PROGRAM FUND.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2013.