

HOUSE BILL 348

D1, D4

51r0463
CF 51r0479

By: **Delegates Rosenberg and Dumais**

Introduced and read first time: February 5, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Right to Counsel – Implementation**

3 FOR the purpose of requiring the Governor to include in the budget bill for each fiscal year
4 a certain appropriation to provide legal representation to certain parties in certain
5 protective order proceedings; requiring certain amounts to be allocated to certain
6 programs; establishing a Judicare Pilot Program; establishing the purpose of the
7 pilot program; requiring the pilot program to be implemented in certain jurisdictions;
8 providing for the administration of the pilot program; requiring representation to be
9 provided by certain attorneys; requiring the Governor to include in the budget bill
10 for each fiscal year a certain appropriation to fund the pilot program; establishing
11 the amount and allocation of the appropriation; establishing that money
12 appropriated under this Act for the pilot program shall be used to supplement and
13 not supplant certain existing funding; establishing a workgroup to monitor
14 implementation of a civil right to counsel; providing for the membership, chair,
15 staffing, and duties of the workgroup; providing that members of the workgroup may
16 not receive compensation but are entitled to reimbursement for expenses; requiring
17 the workgroup to report its findings and recommendations on or before a certain
18 date; and generally relating to providing legal representation for certain parties in
19 certain civil matters.

20 BY adding to

21 Article – Family Law

22 Section 4–512.2 and 9–109

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2014 Supplement)

25 BY adding to

26 Article – Courts and Judicial Proceedings

27 Section 13–103

28 Annotated Code of Maryland

29 (2013 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Family Law**

4 **4–512.2.**

5 (A) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE
6 BUDGET BILL AN APPROPRIATION TO PROVIDE LEGAL REPRESENTATION IN
7 PROTECTIVE ORDER PROCEEDINGS UNDER THIS SUBTITLE TO PETITIONERS AND
8 RESPONDENTS WHO MEET INCOME ELIGIBILITY REQUIREMENTS ESTABLISHED BY
9 THE MARYLAND LEGAL SERVICES CORPORATION UNDER § 11–603 OF THE HUMAN
10 SERVICES ARTICLE.

11 (B) THE APPROPRIATION SHALL BE AT LEAST:

12 (1) FOR FISCAL YEAR 2017, \$2,475,805;

13 (2) FOR FISCAL YEAR 2018, \$3,675,805;

14 (3) FOR FISCAL YEAR 2019, \$4,875,805; AND

15 (4) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER,
16 \$6,075,805.

17 (C) (1) OF THE MONEY APPROPRIATED UNDER SUBSECTION (B) OF THIS
18 SECTION, THE FOLLOWING AMOUNTS SHALL BE ALLOCATED TO PROGRAMS THAT
19 PROVIDE LEGAL REPRESENTATION TO INCOME–ELIGIBLE RESPONDENTS:

20 (I) FOR FISCAL YEAR 2017, AT LEAST 20%;

21 (II) FOR FISCAL YEAR 2018, AT LEAST 30%; AND

22 (III) FOR FISCAL YEAR 2019, AT LEAST 40%.

23 (2) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, IT
24 IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL INCOME–ELIGIBLE
25 PETITIONERS AND RESPONDENTS HAVE ACCESS TO LEGAL REPRESENTATION IN
26 PROTECTIVE ORDER PROCEEDINGS UNDER THIS SUBTITLE.

27 **9–109.**

28 (A) THERE IS A JUDICARE PILOT PROGRAM.

1 **(B) THE PURPOSE OF THE PILOT PROGRAM IS TO PROVIDE LEGAL**
2 **REPRESENTATION IN CONTESTED CUSTODY AND VISITATION PROCEEDINGS TO**
3 **PARENTS WHO MEET INCOME ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE**
4 **MARYLAND LEGAL SERVICES CORPORATION UNDER § 11-603 OF THE HUMAN**
5 **SERVICES ARTICLE.**

6 **(C) THE PILOT PROGRAM SHALL BE IMPLEMENTED IN:**

7 **(1) BALTIMORE CITY;**

8 **(2) PRINCE GEORGE'S COUNTY; AND**

9 **(3) DORCHESTER, SOMERSET, WICOMICO, AND WORCESTER**
10 **COUNTIES.**

11 **(D) THE PILOT PROGRAM SHALL BE JOINTLY ADMINISTERED BY THE**
12 **MARYLAND LEGAL SERVICES CORPORATION AND THE ADMINISTRATIVE OFFICE**
13 **OF THE COURTS.**

14 **(E) LEGAL REPRESENTATION SHALL BE PROVIDED UNDER THE PILOT**
15 **PROGRAM TO INCOME-ELIGIBLE CLIENTS BY:**

16 **(1) PRIVATE ATTORNEYS IN ACCORDANCE WITH A FEE SCHEDULE**
17 **ESTABLISHED BY THE MARYLAND LEGAL SERVICES CORPORATION AND THE**
18 **ADMINISTRATIVE OFFICE OF THE COURTS; AND**

19 **(2) STAFF ATTORNEYS EMPLOYED BY THE PILOT PROGRAM IN AREAS**
20 **WHERE THE NUMBER OF QUALIFIED PRIVATE ATTORNEYS IS INSUFFICIENT TO MEET**
21 **THE NEED FOR REPRESENTATION.**

22 **(F) (1) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE**
23 **BUDGET BILL AN APPROPRIATION TO FUND THE PILOT PROGRAM.**

24 **(2) THE APPROPRIATION SHALL BE AT LEAST:**

25 **(I) FOR FISCAL YEAR 2017, \$757,500 TO BE ALLOCATED AS**
26 **FOLLOWS:**

27 **1. \$275,000 FOR BALTIMORE CITY;**

28 **2. \$325,000 FOR PRINCE GEORGE'S COUNTY; AND**

1 **3. \$157,500 FOR DORCHESTER, SOMERSET, WICOMICO,**
2 **AND WORCESTER COUNTIES;**

3 **(II) FOR FISCAL YEAR 2018, \$1,515,000, TO BE ALLOCATED AS**
4 **FOLLOWS:**

5 **1. \$550,000 FOR BALTIMORE CITY;**

6 **2. \$650,000 FOR PRINCE GEORGE'S COUNTY; AND**

7 **3. \$315,000 FOR DORCHESTER, SOMERSET, WICOMICO,**
8 **AND WORCESTER COUNTIES;**

9 **(III) FOR FISCAL YEAR 2019, \$2,322,500, TO BE ALLOCATED AS**
10 **FOLLOWS:**

11 **1. \$875,000 FOR BALTIMORE CITY;**

12 **2. \$975,000 FOR PRINCE GEORGE'S COUNTY; AND**

13 **3. \$472,500 FOR DORCHESTER, SOMERSET, WICOMICO,**
14 **AND WORCESTER COUNTIES; AND**

15 **(IV) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR**
16 **THEREAFTER, \$3,030,000, TO BE ALLOCATED AS FOLLOWS:**

17 **1. \$1,100,000 FOR BALTIMORE CITY;**

18 **2. \$1,300,000 FOR PRINCE GEORGE'S COUNTY; AND**

19 **3. \$630,000 FOR DORCHESTER, SOMERSET, WICOMICO,**
20 **AND WORCESTER COUNTIES.**

21 **(3) MONEY APPROPRIATED UNDER THIS SUBSECTION SHALL BE USED**
22 **TO SUPPLEMENT AND NOT SUPPLANT EXISTING FUNDING FOR THE JUDICARE**
23 **PROGRAM.**

24 **Article – Courts and Judicial Proceedings**

25 **13–103.**

26 **(A) THERE IS A WORKGROUP TO MONITOR IMPLEMENTATION OF A CIVIL**
27 **RIGHT TO COUNSEL.**

1 **(B) THE WORKGROUP CONSISTS OF THE FOLLOWING MEMBERS:**

2 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE**
3 **PRESIDENT OF THE SENATE;**

4 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE**
5 **SPEAKER OF THE HOUSE;**

6 **(3) THREE MEMBERS APPOINTED BY THE GOVERNOR, ONE OF WHOM**
7 **SHALL BE AN ATTORNEY WHO IS A MEMBER OF THE MARYLAND STATE BAR**
8 **ASSOCIATION AND WHO IS APPOINTED AFTER CONSULTATION WITH THE**
9 **PRESIDENT OF THE MARYLAND STATE BAR ASSOCIATION AND ONE OF WHOM**
10 **SHALL BE AN ATTORNEY OR A LEGAL PROVIDER OR BOTH; AND**

11 **(4) THREE MEMBERS WHO ARE REPRESENTATIVES OF THE**
12 **JUDICIARY, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS.**

13 **(C) THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL DESIGNATE THE**
14 **CHAIR OF THE WORKGROUP.**

15 **(D) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL PROVIDE STAFF**
16 **FOR THE WORKGROUP.**

17 **(E) A MEMBER OF THE WORKGROUP:**

18 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
19 **WORKGROUP; BUT**

20 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
21 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

22 **(F) THE WORKGROUP SHALL:**

23 **(1) MONITOR IMPLEMENTATION OF:**

24 **(i) PROGRAMS THAT PROVIDE LEGAL REPRESENTATION TO**
25 **INCOME-ELIGIBLE PETITIONERS AND RESPONDENTS IN PROTECTIVE ORDER**
26 **PROCEEDINGS UNDER § 4-512.2 OF THE FAMILY LAW ARTICLE; AND**

27 **(ii) THE JUDICARE PILOT PROGRAM UNDER § 9-109 OF THE**
28 **FAMILY LAW ARTICLE; AND**

29 **(2) EVALUATE THE EFFECTIVENESS OF THE PROGRAMS.**

1 **(G) ON OR BEFORE DECEMBER 1, 2020, THE WORKGROUP SHALL REPORT**
2 **ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE CHIEF JUDGE OF**
3 **THE COURT OF APPEALS, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
4 **GOVERNMENT ARTICLE, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE**
5 **HOUSE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE JUDICIAL**
6 **PROCEEDINGS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE**
7 **HOUSE JUDICIARY COMMITTEE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2015.