

# HOUSE BILL 191

D4

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By: **Delegate Dumais**

Introduced and read first time: January 16, 2020

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: February 27, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Child Support, Custody, and Visitation – Award of Expenses – Suit Money**

3 FOR the purpose of adding suit money to the expenses that the court is authorized, at any  
4 point in a certain proceeding, to award to a certain party under certain circumstances  
5 and after making certain considerations; adding suit money to the expenses that the  
6 court is required to award to a certain party under certain circumstances and absent  
7 a certain finding; defining a certain term; and generally relating to the award of  
8 expenses in child support, custody, or visitation proceedings.

9 BY repealing and reenacting, with amendments,  
10 Article – Family Law  
11 Section 12–103  
12 Annotated Code of Maryland  
13 (2019 Replacement Volume)

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

### Article – Family Law

16  
17 12–103.

18 (A) IN THIS SECTION, “REASONABLE AND NECESSARY EXPENSE” INCLUDES:

19 (1) SUIT MONEY;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **(2) COUNSEL FEES; AND**

2           **(3) COSTS.**

3           **[(a)] (B) ~~The~~ AT ANY POINT IN A PROCEEDING UNDER THIS SECTION, THE**  
4 court may award **THE REASONABLE AND NECESSARY EXPENSE OF PROSECUTING OR**  
5 **DEFENDING THE PROCEEDING** to either party [the costs and counsel fees that are just  
6 and proper under all the circumstances] in any case in which a person:

7           (1) applies for a decree or modification of a decree concerning the custody,  
8 support, or visitation of a child of the parties; or

9           (2) files any form of proceeding:

10           (i) to recover arrearages of child support;

11           (ii) to enforce a decree of child support; or

12           (iii) to enforce a decree of custody or visitation.

13           **[(b)] (C) Before a court may award [costs and counsel fees] THE REASONABLE**  
14 **AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING A PROCEEDING** under  
15 this section, the court shall consider:

16           (1) the financial status of each party;

17           (2) the needs of each party; and

18           (3) whether there was substantial justification for bringing, maintaining,  
19 or defending the proceeding.

20           **[(c)] (D) Upon a finding by the court that there was an absence of substantial**  
21 **justification of a party for prosecuting or defending the proceeding, and absent a finding by**  
22 **the court of good cause to the contrary, the court shall award to the other party [costs and**  
23 **counsel fees] THE REASONABLE AND NECESSARY EXPENSE OF PROSECUTING OR**  
24 **DEFENDING THE PROCEEDING.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2020.