

HOUSE BILL 191

D4

01r2225

By: **Delegate Dumais**

Introduced and read first time: January 16, 2020

Assigned to: Judiciary

A BILL ENTITLED

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 to award
4 to a certain party under certain circumstances and after making certain
5 considerations; adding suit money to the expenses that the court is required to award
6 to a certain party under certain circumstances and absent a certain finding; defining
7 a certain term; and generally relating to the award of expenses in child support,
8 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

17 12–103.

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

19 (1) SUIT MONEY;

20 (2) COUNSEL FEES; AND

21 (3) COSTS.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(a)] (B)** The court may award **THE REASONABLE AND NECESSARY EXPENSE**
2 **OF PROSECUTING OR DEFENDING THE PROCEEDING** to either party [the costs and
3 counsel fees that are just and proper under all the circumstances] in any case in which a
4 person:

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

7 (2) files any form of proceeding:

8 (i) to recover arrearages of child support;

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

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

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

14 (1) the financial status of each party;

15 (2) the needs of each party; and

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

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

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