

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 191
Judiciary

(Delegate Dumais)

Judicial Proceedings

Child Support, Custody, and Visitation - Award of Expenses - Suit Money

This bill adds suit money to the expenses that a court is authorized or required to award in child support, custody, or visitation proceedings under specified conditions.

Fiscal Summary

State Effect: The bill does not materially affect the workload or finances of the Judiciary.

Local Effect: The bill does not materially affect the workload or finances of the circuit courts.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, in any case in which a person (1) applies for a decree or modification of a decree concerning the custody, support, or visitation of a child of the parties or (2) initiates any related proceedings, as specified, the court may award to either party the costs and counsel fees that are just and proper under all the circumstances. The bill specifies that the court may award the “reasonable and necessary expense” of prosecuting or defending the proceedings and clarifies that an award can be made at any point in a proceeding. “Reasonable and necessary expense” includes suit money, counsel fees, and costs.

Under current law, before a court may award costs and counsel fees, the court must consider (1) the financial status of each party; (2) the needs of each party; and (3) whether there was substantial justification for bringing, maintaining, or defending the proceeding.

The bill specifies that the court must consider these factors before awarding the reasonable and necessary expense of prosecuting and defending a proceeding.

Under current law, on a finding by the court that there was an absence of substantial justification for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court must award costs and counsel fees to the other party. Pursuant to the bill, the reasonable and necessary expense of prosecuting or defending the proceeding must be awarded.

Statutory provisions governing divorce, marital property, and alimony authorize the award of reasonable and necessary expenses that include suit money, counsel fees, and costs.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2020
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