

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 744
Judiciary

(Delegate Dumais)

Judicial Proceedings

Courts – Counsel Appearance Fees – Domestic Violence

This bill prohibits a circuit court clerk from collecting a fee for docketing the appearance of a petitioner’s or a respondent’s counsel in a domestic violence protective order case.

Fiscal Summary

State Effect: The bill pertains to appearance fees that are used for specified purposes in the circuit courts and does not otherwise directly affect State finances and operations, as discussed below.

Local Effect: The bill clarifies current law and reflects existing practice, as discussed below.

Small Business Effect: None.

Analysis

Current Law: Under § 7-204 of the Courts and Judicial Proceedings Article, circuit court clerks in specified jurisdictions are required to collect fees for docketing the appearance of counsel. The appearance fees vary depending on the general type of action being brought (*e.g.*, civil actions, criminal actions, *etc.*) and the jurisdiction. Statutory provisions also direct circuit court clerks on how to deposit or use the appearance fees that are collected. Generally, the appearance fees are deposited into locally administered accounts and used for specified purposes that are locally funded, such as for the benefit of the circuit court law library and related equipment. Statutory provisions under § 7-204 neither specifically authorize nor prohibit the collection of appearance fees for counsel in domestic violence protective order cases.

Under § 4-504(c) of the Family Law Article, however, a *petitioner* in a domestic violence protective order case may not be required to pay a filing fee or costs for the issuance or service of an interim, temporary, or final protective order or a witness subpoena.

State/Local Fiscal Effect: The Judiciary advises that circuit court clerks are currently not collecting fees for docketing the appearance of petitioner’s counsel in protective order cases, as clerks are interpreting these appearance fees as falling within the filing fees prohibited under the Family Law Article. Furthermore, eligibility for federal funding associated with the Violence Against Women Act (STOP Formula Grant Program) requires that there be no fees or costs involved for victims who seek a protective order. Pursuant to existing practice, circuit court clerks are also not collecting fees for docketing the appearance of respondent’s counsel. Accordingly, the bill reflects current practice and provides additional statutory clarification that appearance fees are not to be collected, while further ensuring that federal funding is protected.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Howard, Montgomery, and Prince George’s counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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