

BILL NO: House Bill 744
TITLE: Courts – Counsel Appearance Fees – Domestic Violence
COMMITTEE: Judiciary
HEARING DATE: February 11, 2021
POSITION: **SUPPORT**

House Bill 744 would make it clear that courts cannot charge attorney appearance fees for domestic violence cases. The Women's Law Center (WLC) supports House Bill 744 to make clear that in domestic violence cases an attorney appearance fee should not be charged to parties.

The Women's Law Center had such a case in September of 2020. We asked for information from the (then) Administrative Judge of the Baltimore County Circuit Court and received this information in reply:

The Major Projects Committee (MPC) recently discussed concerns regarding an attorney appearance fee that was charged in a Domestic Violence Protection Order case. This issue arises only in the circuit courts as the District Court does not collect attorney appearance fees. The MPC examined this issue and determined that there are conflicting statutes regarding the duty of the clerk to impose appearance fees for domestic violence cases. On the one hand, Family Law Article §4-504 prohibits costs to petitioners for protective order cases. It is silent as to attorney appearance fees. On the other hand, Courts and Judicial Proceedings Article §7-204 outlines the duties of the clerks to collect attorney appearance fees and contains no exception for protective order cases. While the law is unclear, the MPC has determined that circuit court clerks should not collect attorney appearance fees in protective order cases. JIS will send a communication once the File & Serve configuration changes have been completed.

HB 744 would make it clear that in no circumstance may a court charge a petitioner an attorney appearance fee in a protection order case. We think that courts have now received this information but HB 744 would clarify the above conflicting laws.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on House Bill 744.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. WLC operates three Protection Order projects, in Baltimore City, Baltimore County, and Carroll County and has a statewide project that also represents survivors in Protection Order and other collateral cases.