

HOUSE BILL 1247

D4

7lr3159

By: **Delegate McMillan**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Support Actions – Court Costs**

3 FOR the purpose of requiring that a court award costs to the prevailing party in certain
4 family law proceedings; and generally relating to costs in family law proceedings.

5 BY repealing and reenacting, with amendments,
6 Article – Family Law
7 Section 12–103
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2016 Supplement)

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

12 **Article – Family Law**

13 12–103.

14 (a) The court may award to either party the costs and counsel fees that are just
15 and proper under all the circumstances in any case in which a person[:

16 (1)] applies for a decree or modification of a decree concerning the custody,
17 support, or visitation of a child of the parties[; or].

18 [(2)] (B) **THE COURT MAY AWARD COUNSEL FEES THAT ARE JUST**
19 **AND PROPER TO EITHER PARTY AND, UNLESS THE COURT FINDS THAT JUSTICE**
20 **REQUIRES OTHERWISE, SHALL AWARD THE COSTS TO THE PREVAILING PARTY IN**
21 **ANY CASE IN WHICH A PERSON** files any form of proceeding:

22 [(i)] **(1)** to recover arrearages of child support;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(ii)] **(2)** to enforce a decree of child support; or

2 [(iii)] **(3)** to enforce a decree of custody or visitation.

3 **[(b)] (C)** Before a court may award costs and counsel fees under this section, the
4 court shall consider:

5 (1) the financial status of each party;

6 (2) the needs of each party; and

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

9 **[(c)] (D)** Upon a finding by the court that there was an absence of substantial
10 justification of a party for prosecuting or defending the proceeding, and absent a finding by
11 the court of good cause to the contrary, the court shall award to the other party costs and
12 counsel fees.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.