

HOUSE BILL 1297

D4

7lr2963

By: **Delegates Valentino–Smith, Atterbeary, Dumais, McComas, and Sanchez**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Petitioner – Attorney for Child**

3 FOR the purpose of expanding the list of “petitioners” under the domestic violence statutes
4 who may seek relief from abuse on behalf of a minor child to include an attorney
5 appointed by the court in certain family law actions to represent the minor child; and
6 generally relating to domestic violence.

7 BY repealing and reenacting, without amendments,
8 Article – Family Law
9 Section 1–202 and 4–501(a)
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 4–501(o)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2016 Supplement)

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

19 **Article – Family Law**

20 1–202.

21 (a) In an action in which custody, visitation rights, or the amount of support of a
22 minor child is contested, the court may:

23 (1) (i) appoint a lawyer who shall serve as a child advocate attorney to
24 represent the minor child and who may not represent any party to the action; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(ii) appoint a lawyer who shall serve as a best interest attorney to represent the minor child and who may not represent any party to the action; and

(2) impose counsel fees against one or more parties to the action.

(b) A lawyer appointed under this section shall exercise ordinary care and diligence in the representation of a minor child.

4–501.

(a) In this subtitle the following words have the meanings indicated.

(o) (1) “Petitioner” means an individual who files a petition.

(2) “Petitioner” includes:

(i) a person eligible for relief; or

(ii) the following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:

1. the State’s Attorney for the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

2. the department of social services that has jurisdiction in the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

3. a person related to the child or vulnerable adult by blood, marriage, or adoption; [or]

4. an adult who resides in the home; OR

5. AN ATTORNEY APPOINTED FOR A CHILD UNDER § 1–202 OF THIS ARTICLE.

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