

SENATE BILL 468

D1, D4

5l0479
CF HB 348

By: **Senator Madaleno**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Right to Counsel – Implementation**

3 FOR the purpose of requiring the Chief Judge of the Court of Appeals to certify to the
4 Governor for inclusion without revision in each State budget a certain appropriation
5 to provide legal representation to certain parties in certain protective order
6 proceedings; requiring certain amounts to be allocated to certain programs;
7 establishing a Judicare Pilot Program; establishing the purpose of the pilot program;
8 requiring the pilot program to be implemented in certain jurisdictions; providing for
9 the administration of the pilot program; requiring representation to be provided by
10 certain attorneys; requiring the Chief Judge of the Court of Appeals to certify to the
11 Governor for inclusion without revision in each State budget a certain appropriation
12 to fund the pilot program; establishing the amount and allocation of the
13 appropriation; establishing that money appropriated under this Act for the pilot
14 program shall be used to supplement and not supplant certain existing funding;
15 establishing a workgroup to monitor implementation of a civil right to counsel;
16 providing for the membership, chair, staffing, and duties of the workgroup; providing
17 that members of the workgroup may not receive compensation but are entitled to
18 reimbursement for expenses; requiring the workgroup to report its findings and
19 recommendations on or before a certain date; and generally relating to providing
20 legal representation for certain parties in certain civil matters.

21 BY adding to
22 Article – Family Law
23 Section 4–512.2 and 9–109
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2014 Supplement)

26 BY adding to
27 Article – Courts and Judicial Proceedings
28 Section 13–103
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2013 Replacement Volume and 2014 Supplement)

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

Article – Family Law

4–512.2.

(A) THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL CERTIFY TO THE GOVERNOR FOR INCLUSION WITHOUT REVISION IN EACH STATE BUDGET AN APPROPRIATION TO PROVIDE LEGAL REPRESENTATION IN PROTECTIVE ORDER PROCEEDINGS UNDER THIS SUBTITLE TO PETITIONERS AND RESPONDENTS WHO MEET INCOME ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE MARYLAND LEGAL SERVICES CORPORATION UNDER § 11–603 OF THE HUMAN SERVICES ARTICLE.

(B) THE APPROPRIATION SHALL BE AT LEAST:

(1) FOR FISCAL YEAR 2017, \$2,475,805;

(2) FOR FISCAL YEAR 2018, \$3,675,805;

(3) FOR FISCAL YEAR 2019, \$4,875,805; AND

(4) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, \$6,075,805.

(C) (1) OF THE MONEY APPROPRIATED UNDER SUBSECTION (B) OF THIS SECTION, THE FOLLOWING AMOUNTS SHALL BE ALLOCATED TO PROGRAMS THAT PROVIDE LEGAL REPRESENTATION TO INCOME–ELIGIBLE RESPONDENTS:

(I) FOR FISCAL YEAR 2017, AT LEAST 20%;

(II) FOR FISCAL YEAR 2018, AT LEAST 30%; AND

(III) FOR FISCAL YEAR 2019, AT LEAST 40%.

(2) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL INCOME–ELIGIBLE PETITIONERS AND RESPONDENTS HAVE ACCESS TO LEGAL REPRESENTATION IN PROTECTIVE ORDER PROCEEDINGS UNDER THIS SUBTITLE.

9–109.

1 (A) THERE IS A JUDICARE PILOT PROGRAM.

2 (B) THE PURPOSE OF THE PILOT PROGRAM IS TO PROVIDE LEGAL
3 REPRESENTATION IN CONTESTED CUSTODY AND VISITATION PROCEEDINGS TO
4 PARENTS WHO MEET INCOME ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE
5 MARYLAND LEGAL SERVICES CORPORATION UNDER § 11-603 OF THE HUMAN
6 SERVICES ARTICLE.

7 (C) THE PILOT PROGRAM SHALL BE IMPLEMENTED IN:

8 (1) BALTIMORE CITY;

9 (2) PRINCE GEORGE'S COUNTY; AND

10 (3) DORCHESTER, SOMERSET, WICOMICO, AND WORCESTER
11 COUNTIES.

12 (D) THE PILOT PROGRAM SHALL BE JOINTLY ADMINISTERED BY THE
13 MARYLAND LEGAL SERVICES CORPORATION AND THE ADMINISTRATIVE OFFICE
14 OF THE COURTS.

15 (E) LEGAL REPRESENTATION SHALL BE PROVIDED UNDER THE PILOT
16 PROGRAM TO INCOME-ELIGIBLE CLIENTS BY:

17 (1) PRIVATE ATTORNEYS IN ACCORDANCE WITH A FEE SCHEDULE
18 ESTABLISHED BY THE MARYLAND LEGAL SERVICES CORPORATION AND THE
19 ADMINISTRATIVE OFFICE OF THE COURTS; AND

20 (2) STAFF ATTORNEYS EMPLOYED BY THE PILOT PROGRAM IN AREAS
21 WHERE THE NUMBER OF QUALIFIED PRIVATE ATTORNEYS IS INSUFFICIENT TO MEET
22 THE NEED FOR REPRESENTATION.

23 (F) (1) THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL CERTIFY
24 TO THE GOVERNOR FOR INCLUSION WITHOUT REVISION IN EACH STATE BUDGET AN
25 APPROPRIATION TO FUND THE PILOT PROGRAM.

26 (2) THE APPROPRIATION SHALL BE AT LEAST:

27 (I) FOR FISCAL YEAR 2017, \$757,500 TO BE ALLOCATED AS
28 FOLLOWS:

29 1. \$275,000 FOR BALTIMORE CITY;

1 2. **\$325,000 FOR PRINCE GEORGE’S COUNTY; AND**

2 3. **\$157,500 FOR DORCHESTER, SOMERSET, WICOMICO,**
3 **AND WORCESTER COUNTIES;**

4 (II) **FOR FISCAL YEAR 2018, \$1,515,000, TO BE ALLOCATED AS**
5 **FOLLOWS:**

6 1. **\$550,000 FOR BALTIMORE CITY;**

7 2. **\$650,000 FOR PRINCE GEORGE’S COUNTY; AND**

8 3. **\$315,000 FOR DORCHESTER, SOMERSET, WICOMICO,**
9 **AND WORCESTER COUNTIES;**

10 (III) **FOR FISCAL YEAR 2019, \$2,322,500, TO BE ALLOCATED AS**
11 **FOLLOWS:**

12 1. **\$875,000 FOR BALTIMORE CITY;**

13 2. **\$975,000 FOR PRINCE GEORGE’S COUNTY; AND**

14 3. **\$472,500 FOR DORCHESTER, SOMERSET, WICOMICO,**
15 **AND WORCESTER COUNTIES; AND**

16 (IV) **FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR**
17 **THEREAFTER, \$3,030,000, TO BE ALLOCATED AS FOLLOWS:**

18 1. **\$1,100,000 FOR BALTIMORE CITY;**

19 2. **\$1,300,000 FOR PRINCE GEORGE’S COUNTY; AND**

20 3. **\$630,000 FOR DORCHESTER, SOMERSET, WICOMICO,**
21 **AND WORCESTER COUNTIES.**

22 (3) **MONEY APPROPRIATED UNDER THIS SUBSECTION SHALL BE USED**
23 **TO SUPPLEMENT AND NOT SUPPLANT EXISTING FUNDING FOR THE JUDICARE**
24 **PROGRAM.**

25 **Article – Courts and Judicial Proceedings**

26 **13–103.**

1 **(A) THERE IS A WORKGROUP TO MONITOR IMPLEMENTATION OF A CIVIL**
2 **RIGHT TO COUNSEL.**

3 **(B) THE WORKGROUP CONSISTS OF THE FOLLOWING MEMBERS:**

4 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE**
5 **PRESIDENT OF THE SENATE;**

6 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE**
7 **SPEAKER OF THE HOUSE;**

8 **(3) THREE MEMBERS APPOINTED BY THE GOVERNOR, ONE OF WHOM**
9 **SHALL BE AN ATTORNEY WHO IS A MEMBER OF THE MARYLAND STATE BAR**
10 **ASSOCIATION AND WHO IS APPOINTED AFTER CONSULTATION WITH THE**
11 **PRESIDENT OF THE MARYLAND STATE BAR ASSOCIATION AND ONE OF WHOM**
12 **SHALL BE AN ATTORNEY OR A LEGAL PROVIDER OR BOTH; AND**

13 **(4) THREE MEMBERS WHO ARE REPRESENTATIVES OF THE**
14 **JUDICIARY, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS.**

15 **(C) THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL DESIGNATE THE**
16 **CHAIR OF THE WORKGROUP.**

17 **(D) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL PROVIDE STAFF**
18 **FOR THE WORKGROUP.**

19 **(E) A MEMBER OF THE WORKGROUP:**

20 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
21 **WORKGROUP; BUT**

22 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
23 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

24 **(F) THE WORKGROUP SHALL:**

25 **(1) MONITOR IMPLEMENTATION OF:**

26 **(i) PROGRAMS THAT PROVIDE LEGAL REPRESENTATION TO**
27 **INCOME-ELIGIBLE PETITIONERS AND RESPONDENTS IN PROTECTIVE ORDER**
28 **PROCEEDINGS UNDER § 4-512.2 OF THE FAMILY LAW ARTICLE; AND**

1 **(II) THE JUDICARE PILOT PROGRAM UNDER § 9-109 OF THE**
2 **FAMILY LAW ARTICLE; AND**

3 **(2) EVALUATE THE EFFECTIVENESS OF THE PROGRAMS.**

4 **(G) ON OR BEFORE DECEMBER 1, 2020, THE WORKGROUP SHALL REPORT**
5 **ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE CHIEF JUDGE OF**
6 **THE COURT OF APPEALS, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
7 **GOVERNMENT ARTICLE, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE**
8 **HOUSE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE JUDICIAL**
9 **PROCEEDINGS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE**
10 **HOUSE JUDICIARY COMMITTEE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2015.