



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 744
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 744.

House Bill 744 – Appearance Fees in Petitions for Protection

House Bill 744 would make it clear that courts cannot charge attorney appearance fees for petitioners in cases involving petitions for protection from abuse. These include petitions for protection from sexual assault, domestic violence, and child abuse.

Our colleagues at the Women's Law Center of Maryland had a case where one of their attorneys was charged a fee. At the Sexual Assault Legal Institute (SALI), we had a similar situation where the issue was resolved informally.

On the one hand, Family Law Article §4-504 prohibits costs to petitioners for protective order cases. This is in compliance with the federal Violence Against Women Act (VAWA). See, 42 U.S.C. § 3796gg-5; 42 U.S.C. § 3796hh(c)(1)(D). However, Maryland law is silent as to attorney appearance fees. Additionally, 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. HB 744 would resolve this potential conflict and make it clear that in no circumstance may a court charge a petitioner an attorney appearance fee in a protection order case.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 744**