

representation of a minor child; and generally relating to the appointment of a lawyer to represent a minor child.

BY repealing and reenacting, with amendments,

Article - Family Law

Section 1-202

Annotated Code of Maryland

(2004 Replacement Volume and 2005 Supplement)

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

**Article - Family Law**

1-202.

(A) In an action in which custody, visitation rights, or the amount of support of a minor child is contested, ~~OR THE COURT HAS REASON TO BE CONCERNED ABOUT THE WELFARE OF A MINOR CHILD~~, the court may:

(1) (I) appoint A LAWYER WHO SHALL SERVE AS A CHILD ADVOCATE ATTORNEY to represent the minor child [counsel] AND who may not represent any party to the action; ~~and~~ OR

~~(II) SPECIFY THE ROLE AND DUTIES OF THE CHILD'S LAWYER IN ACCORDANCE WITH THE MARYLAND STANDARDS OF PRACTICE FOR COURT APPOINTED LAWYERS REPRESENTING CHILDREN~~ 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 against either or both parents [counsel] fees ~~FOR SERVICES RENDERED BY OR AT THE REQUEST OF THE CHILD'S LAWYER.~~

~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT FOR ANY ACT OR OMISSION COMMITTED WITH WILLFUL OR RECKLESS DISREGARD FOR THE BEST INTERESTS OF A REPRESENTED CHILD, A LAWYER APPOINTED UNDER THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF PERFORMING THE DUTIES ASSIGNED.~~

~~(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LAWYER APPOINTED BY THE COURT TO REPRESENT A CHILD UNDER THIS SECTION IS IMMUNE FROM CIVIL LIABILITY TO ANY PARTY OTHER THAN A REPRESENTED CHILD.~~

(B) A LAWYER APPOINTED UNDER THIS SECTION SHALL EXERCISE ORDINARY CARE AND DILIGENCE IN THE REPRESENTATION OF A MINOR CHILD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted~~ shall take effect June 1, 2006.