

**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 GUARDIAN AD LITEM, ALSO KNOWN 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~~ AN APPOINTMENT TO REPRESENT A MINOR CHILD UNDER THIS SECTION DOES NOT MODIFY, ALTER, OR AMEND THE DUTY THAT A LAWYER OWES A CLIENT IN ACCORDANCE WITH THE MARYLAND RULES OF PROFESSIONAL CONDUCT 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 yea 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.

May 26, 2006

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis, MD 21401

Dear Mr. President: