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## **An Act To Clarify the Award of Fees in Domestic Violence Cases**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the federal Violence Against Women Act of 2000 has a requirement regarding management of costs and fees in protection from abuse orders; and

**Whereas,** all applicants for funding under the federal Violence Against Women Act of 2000 are required to certify that laws, policies and practices do not require, in connection with the filing, issuance, registration or service of a protection order or a petition for a protection order to protect a victim of domestic violence, stalking or sexual assault, that the victim bear the costs associated with the issuance of a protection order; and

**Whereas,** there are concerns that Maine's protection from abuse statute is ambiguous about the awards of attorney's fees and court costs; and

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period so that grant certifications can be made in good faith; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

### **Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 19-A MRSA §4007, sub-§1, ¶L,** as amended by PL 2005, c. 510, §10, is further amended to read:

L. Ordering the defendant ~~or, if the complaint is dismissed, the plaintiff~~ to pay court costs or reasonable attorney's fees;

**Sec. 2. 19-A MRSA §4007, sub-§1, ¶L-1** is enacted to read:

L-1. Ordering the plaintiff to pay court costs or reasonable attorney's fees, or both, only if a judgment is entered against the plaintiff after a hearing in which both the plaintiff and the defendant are present and the court finds that the complaint is frivolous;

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## **SUMMARY**

This bill limits the award of court costs and reasonable attorney's fees to a defendant in a protection from abuse matter to cases when a judgment is entered against the plaintiff after a hearing where both parties are present and the court finds that the complaint is frivolous.