

**§ 3.601 Legal Services to Local Departments.**

(a) *Representation of local department.-*

(1) Except as provided in paragraph (2) of this subsection, the attorney to, or an attorney designated by, the local governing authority in each county shall institute and defend each civil action in which the local department is a party.

(2) In Cecil County, the local department may secure the services of attorneys to represent it in all legal matters affecting the local department.

(b) *Institution of action.-* Actions in which the local department is a party shall be instituted in the name of the local department.

(c) *Attorney's fees.-*

(1) The court may award attorney's fees to an attorney representing a local department in an action to recover:

(i) from the estate of a recipient of any type of public assistance, the amount paid to the recipient during the recipient's lifetime; or

(ii) from a recipient of any type of public assistance, the amount paid to the recipient before the recipient receives any property or income in excess of the amount stated in the recipient's application for assistance and in excess of the recipient's need.

(2) The amount of fees awarded by the court shall be deducted from the gross amount of the recovery in the action.

(3) The net amount of the recovery shall be turned over to the local department to be divided among the State, the county, and the federal government in proportion to the amount paid by each.

(d) *Other legal services.-*

(1) Except as otherwise provided, an attorney who provides any other legal services on behalf of a local department shall be paid the fees the Department sets.

(2) Attorney's fees under this subsection shall be paid out of regular administrative funds

[An. Code 1957, art. 88A, § 7; 2007, ch. 3, § 2.]