

Element 6: Topics of Law

Elements 1 through 5 provide a foundation for addressing legal information questions generally. The resources discussed are often general in nature and may be helpful across many legal topics.

Once the foundation is securely built, the next step is to further grow knowledge in topics within the law. Some topics are in their very nature the purview of attorneys almost exclusively – these are generally areas where there is little statutory or regulatory language, few if any specific procedures, and often, much of the “law” is based on cases or common law – on prior decisions of the courts. These areas are highly subjective, and library staff, even in law libraries, should tread carefully. These topics include, but are not limited to, torts and product liability, many property-related concerns, trusts and inheritance issues.

There are a number of topics, however, that are embedded in daily life, for which there are easily-accessible and helpful resources. With an advanced grounding in the language and resources for these topics, any reference staff can connect a patron to helpful, topic-specific resources.

- Language of Law
- Family Law
- Landlord and Tenant Law
- Employment Law
- Credit and Debt Collection Law

Family Law

What is Family Law?

Family law encompasses the many legal aspects of marriage, parenting, and family care. This includes marriage and resultant situations like divorce, as well as parenting situations – child custody, visitation, and support, and paternity. Also generally in this category you may find discussed issues related to guardianship (of children), adoption, and even name changes.

Common Areas of Concern

Lack of child support payment

Breach of visitation schedule

Modifications of child support payments

Establishing or modifying a guardianship of a minor

Birth certificate issues (corrections and amendments, most often)

Establishing paternity

Marital property division

Helpful Details

To identify where resources are likely to be found, there are a few details that can help connect you to the right place:

- **State law** generally establishes how marriage and families are defined, established, and dissolved. Therefore, most processes for divorce, child custody, and child support are done at the State level.
- In Maryland, family law cases are generally heard in the **Circuit Court** for the county in which the involved parties reside.
- **Federal law** is increasingly including broad-level legislation within areas such as child welfare, child support services, adoption, and child protection. Depending on the topic of concern, federal law may include information on family-related matters.

Examples of Questions

- I need to get a divorce. I don't trust my husband, so can I get full custody?
- My kids' father owes me child support. Can I stop letting him have visits with them until he pays? How do I make him pay?
- I owned my house before I got married. Now that we're splitting up, can my spouse claim any right to it?
- My new husband wants to adopt my child from a previous marriage. My child's father has never paid any support, and never been interested in being a parent. Do I have to get his permission for the adoption?

Apply the Process

First - Untangle the question

- Rephrase the question
- Gather details (who, what, when, where, other)

- Identify the type of need (information, law text, legal assistance, government services, forms)

Next - Initiate the research process

- Identify broad legal topics and search terms
- Locate foundational resources to begin a deeper search trail
- Find applicable local, state, or federal law

Then - Provide resources and referrals

- Foundational / descriptive resources
- Referrals for deeper level assistance or legal advice

Foundational Resources for Family Law

- People’s Law Library is the best starting place for this topic. For additional materials, see “Self-Study” below.

Primary Resources

For family law questions, the citations below point to the general location of much of the law for the topic. Note that there may be other locations within each resource that have related information.

- Maryland Statutory Law (MD Code)
 - Family Law Article
- Maryland Regulatory Law (COMAR)
 - Title 07. Department of Human Services, Subtitle 02. Social Services Administration (adoption, kinship care, and more)
 - Title 07. Department of Human Services, Subtitle 07. Child Support Administration
- Maryland Court Rules
 - Title 9. Family Law Actions
 - Note that general procedural Rules within Title 2. Civil Procedure-Circuit Court may also be important
- Forms
 - Many family law forms are available from the Courts website. Because the courts do provide a number of family forms, this should always be the first place to look for forms for family law questions.

Connect to Legal Assistance

Statewide:

- Women's Law Center of Maryland
- Civil Justice Inc.
- MVLS
- Maryland Legal Aid
- Court Help Centers
- PLL Legal Services Directory

Local:

- Montgomery County Bar Pro Bono Program
- Prince George's County Community Legal Services

Self-Study

Build your skill at responding through regular self-study. The resources below will help enhance your knowledge and understanding of this topic.

- PLL topics: Family Law
- Maryland Courts: Children & Family Legal Help includes articles and a helpful video collection
- Fader's Maryland Family Law, by Cynthia Callahan and Thomas C. Ries (LexisNexis), is the Maryland text on this topic. Some libraries have the text in their collections; check yours to find out. A review of the contents alone can help ground you in the major subtopics for this area.

Landlord and Tenant Law

What is Landlord-Tenant Law?

Landlord-tenant law (LLT) generally includes law related to residential rental properties, like apartments and houses. This includes public housing (Section 8 and other types) – but significantly does not include mobile homes or commercial properties. Generally, it also does not address HOAs or condo associations.

Common Areas of Concern

Rent disputes
Maintenance disputes
Entrance issues
Nuisance concerns
Ending a lease early
Security deposits

Helpful Details

To identify where resources may be found there are a few details that can help connect you to the right resources:

- **State law** generally dictates lease language (broadly), particularly which provisions must be in the lease.
- **Local law** (county or municipal) more commonly addresses specifics regarding livability or habitability, property conditions, and other details.
- **Federal law** addresses such areas as low-income and public housing, as well as discrimination issues.
- In Maryland, LLT cases are generally heard in **District Court**. The docket (or case listing) of LLT cases is often referred to as “Rent Court,” though there is not technically a court with that name. Cases are generally heard in the county in which the property is located.

Examples of Questions

- My landlord says I’m out tomorrow if I don’t pay up. Can he evict me without a court order?
- The back steps of my rental house fell in. Do I have to repair them, or does my landlord need to do that?
- My tenant painted all the walls black before moving out. It’s going to take multiple layers of paint to cover that up. Can I keep the full security deposit to offset the cost?

Apply the Process

First - Untangle the question

- Rephrase the question
- Gather details (who, what, when, where, other)

- Identify the type of need (information, law text, legal assistance, government services, forms)

Next - Initiate the research process

- Identify broad legal topics and search terms
- Locate foundational resources to begin a deeper search trail
- Find applicable local, state, or federal law

Then - Provide resources and referrals

- Foundational / descriptive resources
- Referrals for deeper level assistance or legal advice

Foundational Resources for Landlord-Tenant Law

- People’s Law Library is the best starting place for this topic. PLL provides informational articles, and includes links to further material from the Maryland Courts and more.

Primary Resources

For LLT questions, the citations below point to the general location of much of the law for the topic. Note that there may be other locations within each resource that have related information.

- Maryland Statutory Law (MD Code)
 - Real Property Article, Title 8 (landlord/tenant actions)
- Maryland Court Rules
 - Title 3: Civil Procedure – District Court
- Forms
 - Many LLT forms are available from the Courts website. Because the courts do provide many forms for these actions, this should always be the first place to look for forms for LLT questions.

Connect to Legal Assistance

- Court Help Centers
- Fair Housing Action Center of Maryland
- PLL Legal Services Directory, which will connect to MVLS, Maryland Legal Aid, and more

Self-Study

Build your skill at responding through regular self-study. The resources below will help enhance your knowledge and understanding of this topic.

- PLL topics: Landlord-Tenant
- Maryland Courts: under Court Help: Housing, you’ll find videos and free online classes, as well as a nice collection of information brochures
- Guide to Maryland Landlord-Tenant Law, from the Fair Housing Action Center of Maryland (2020)

Public Benefits Law

What is Public Benefits Law?

Public benefits law covers a wide range of assistance provided by the government. As we know from government structure, there are multiple levels of government, and a wide range of agencies that may be involved. The biggest challenge with this area of law is identifying the agency or agencies involved.

Public benefits can include the following, and more:

- Food stamps (SNAP, TANF)
- Temporary Cash Assistance (TCA)
- Social Security (SSI, SSDI)
- Medicaid
- Utilities relief
- Unemployment insurance

Common Areas of Concern

Patrons may arrive with many challenges, but these are probably the most common:

- Eligibility requirements
- Applying for benefits
- Appealing a benefit determination
- Language and technology access

Helpful Details

To identify where resources are likely to be found, there are a few details that can help connect you to the right place:

- **Addressed mainly by local, state and federal law**
Often, there is language at both the state and federal levels, and then implementation is a combination of local and state
Example: public housing or Section 8 housing, where language related to eligibility, application, certification and more is generally in federal law, but local public housing agencies administer local housing. See, as a start, HUD's Public Housing Program.
- **Rarely a court-related matter; more often an administrative hearing matter**
Generally speaking, applications for benefits are managed by the executive branch (government agencies). In Maryland, there is a process to appeal a decision of a government agency that is initially in the executive branch. Such appeals move to the courts after a certain number of steps.
Example: see the Md Department of Labor's Unemployment Insurance Appeals
- **Referrals most often include government agencies**
Because, as said above, the services and processes are generally provided for at the governing agency.
- **Complex subject matter means extensive general resource reading**
Often, the patron needs to read basic information, such as that offered in the example

links above, in order to better understand the context of their situation. Thus, the library points to these resources, and provides access.

Examples of Questions

- My spouse died. Can I still collect the SSI we were getting?
- Can someone with partial custody of the kids apply for and get food stamps?
- My daughter is disabled. Is she eligible for Medicaid benefits? How much could she get?
- I lost my job because of COVID, and now I'm really struggling to pay my bills. My water and electric bills are overdue, is it legal for my utilities to be turned off during the pandemic?
- My application for unemployment was denied. Can I ask them to look again?

Apply the Process

First - Untangle the question

- Rephrase the question
- Gather details (who, what, when, where, other)
- Identify the type of need (information, law text, legal assistance, government services, forms)

Next - Initiate the research process

- Identify broad legal topics and search terms
- Locate foundational resources to begin a deeper search trail
- Find applicable local, state, or federal law

Then - Provide resources and referrals

- Foundational / descriptive resources
- Referrals for deeper level assistance or legal advice

Foundational Resources for Public Benefits Law

- For information across a wide range of topics
 - People's Law Library
 - Nolo online and print materials
- Medicare
 - US Centers for Medicare & Medicaid Services
 - MD Department of Health, Maryland Medicaid
- Food and Cash Assistance
 - MD Department of Human Services, Food & Cash Supplements
- Unemployment
 - MD Department of Labor, Division of Unemployment Insurance
- Social Security
 - SSA Benefits
- Utility Assistance
 - USA.gov Help With Bills
 - MD Department of Human Services, Home Energy
 - MD 2-1-1 Utility Assistance

Primary Resources

- Maryland Statutory Law (MD Code)
 - Human Services Article
 - Labor & Employment Article, Title 8. Unemployment Insurance
- Maryland Regulatory Law (COMAR)
 - 07 Department of Human Services; 07.03 Family Investment Administration
 - 09 Department of Labor; 09.32 Unemployment Insurance
- Maryland Court Rules
 - Title 7. Appellate Review in Circuit Court
- Forms
 - Applications for benefits are generally found as links on the pages of the government agency responsible for the program

Connect to Legal Assistance

Statewide:

- Civil Justice Inc.
- MVLS
- Maryland Legal Aid
- Disability Rights Maryland
- Court Help Centers
- PLL Legal Services Directory

Local:

- Montgomery County Bar Pro Bono Program
- Prince George's County Community Legal Services

Self-Study

Build your skill at responding through regular self-study. The resources below will help enhance your knowledge and understanding of this topic.

- PLL topics: Government Benefits & Services; Employment
- Unemployment Insurance in Maryland: A Guide to Reemployment, Maryland Department of Labor
- COVID-19 Health Crisis: Financial Relief Guide for Marylanders, Maryland Department of Labor
- Frequently Asked Questions: COVID-19 and Maryland Unemployment Benefits, Maryland Legal Aid