

CF 7r2507

By: Senators Kelley, Miller, Hoffman, Ruben, Roesser, Forehand, Van Hollen, Frosh, Green, Trotter, Bromwell, Hollinger, Sfikas, Stone, Jimeno, Pinsky, Middleton, Teitelbaum, Lawlah, Conway, Colburn, Hughes, Middlebrooks, and Young

Introduced and read first time: January 13, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 18, 1997

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Protective Orders**

3 FOR the purpose of requiring that a respondent in a proceeding for relief from abuse be
 4 served a copy of a protective order in open court or by first class mail; specifying
 5 that certain persons be served by first class mail to the person's last known address
 6 under certain circumstances; repealing a provision of law that requires a copy of a
 7 protective order to be served on a respondent by certain law enforcement
 8 personnel; providing that, under certain circumstances, service constitutes actual
 9 notice to the respondent of the contents of the protective order; establishing that
 10 service is complete upon mailing; modifying a certain provision of law to extend the
 11 duration of protective orders; requiring a temporary ex parte order to include a
 12 certain notice to the respondent; defining a certain term; and generally relating to
 13 protective orders.

14 BY renumbering

15 Article - Family Law

16 Section 4-501(j) and (k), respectively

17 to be Section 4-501(k) and (l), respectively

18 Annotated Code of Maryland

19 (1991 Replacement Volume and 1996 Supplement)

20 BY adding to

21 Article - Family Law

22 Section 4-501(j)

23 Annotated Code of Maryland

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1 (1991 Replacement Volume and 1996 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Family Law

4 Section ~~4-506(f) and (g)~~ 4-506(b), (f), and (g)

5 Annotated Code of Maryland

6 (1991 Replacement Volume and 1996 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That Section(s) 4-501(j) and (k), respectively, of the Family Law Article
9 of the Annotated Code of Maryland be renumbered to be Section(s) 4-501(k) and (l),
10 respectively.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
12 read as follows:

13 **Article - Family Law**

14 4-501.

15 (J) "RESIDENCE" INCLUDES THE ~~CURTILAGE YARD, GROUNDS,~~
16 OUTBUILDINGS, AND COMMON AREAS SURROUNDING THE RESIDENCE.

17 4-506.

18 (b) (1) (I) The temporary ex parte order shall state the date and time of the
19 protective order hearing.

20 [(2)] (II) Unless continued for good cause, the protective order hearing shall
21 be held no later than 7 days after the temporary ex parte order is served on the
22 respondent.

23 (2) THE TEMPORARY EX PARTE ORDER SHALL INCLUDE NOTICE TO
24 THE RESPONDENT:

25 (I) OF THE POSSIBLE CONSEQUENCES OF FAILURE TO APPEAR AT
26 THE PROTECTIVE ORDER HEARING, INCLUDING SERVICE OF A PROTECTIVE ORDER
27 BY FIRST CLASS MAIL; AND

28 (II) THAT THE RESPONDENT MUST NOTIFY THE COURT IN
29 WRITING OF ANY CHANGE OF ADDRESS.

30 (f) (1) A copy of the protective order shall be served on the petitioner, THE
31 RESPONDENT, any affected person eligible for relief, the appropriate law enforcement
32 agency, and any other person the court determines is appropriate, in open court or, IF
33 THE PERSON IS NOT PRESENT AT THE PROTECTIVE ORDER HEARING, by first class
34 mail TO THE PERSON'S LAST KNOWN ADDRESS.

35 [(2) (i) A copy of the protective order shall be served on the respondent in
36 open court or by a law enforcement officer, constable, or sheriff.

37 (ii) A copy of the protective order shall also be sent to the last known
38 address of the respondent by first class mail.

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1 (3) If the respondent is served by a law enforcement officer, constable, or
2 sheriff, a return of service shall be filed with the court.]

3 (2) A COPY OF THE PROTECTIVE ORDER SERVED ON THE RESPONDENT
4 IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION CONSTITUTES ACTUAL
5 NOTICE TO THE RESPONDENT OF THE CONTENTS OF THE PROTECTIVE ORDER.
6 SERVICE IS COMPLETE UPON MAILING.

7 (g) All relief granted in a protective order shall be effective for the period stated
8 in the order, not to exceed [200 days] ~~18 MONTHS~~ 1 YEAR.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1997.