

HOUSE BILL 663

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2002 Regular Session  
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By: **Chairman, Judiciary Committee (Maryland Judicial Conference) and Delegates Taylor, McIntosh, Arnick, Busch, Conway, Dewberry, Doory, Harrison, Hixson, Hurson, Kopp, Menes, Montague, Owings, Rawlings, Rosenberg, Wood, and Howard Howard, W. Baker, Barkley, Bobo, Bohanan, Boschert, Bronrott, Burns, Cadden, Cane, Carlson, Clagett, Cole, Conroy, Crouse, C. Davis, DeCarlo, Dobson, Dypski, Eckardt, Finifter, Flanagan, Franchot, Frush, Fulton, Giannetti, Gladden, Goldwater, Grosfeld, Hecht, Heller, Hubers, Hutchins, James, A. Jones, V. Jones, Kach, Kagan, Kelly, Kirk, Krysiak, Lee, Love, Mandel, McHale, Minnick, Moe, Mohorovic, Morhaim, Nathan-Pulliam, Parrott, Pendergrass, Petzold, Pitkin, Riley, Rosso, Rudolph, Shriver, Sophocleus, Stern, Turner, Valderrama, Walkup, and Zirkin**

Introduced and read first time: February 4, 2002  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: February 27, 2002

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CHAPTER 235

1 AN ACT concerning

2 **Interim Domestic Violence Orders and Interim Peace Orders - Issuance by**  
3 **District Court Commissioners**

4 FOR the purpose of implementing the Constitutional amendment expanding the  
5 authority of District Court commissioners to include the issuance of interim  
6 orders for protection pending hearings on domestic violence and peace order  
7 petitions; defining the scope of the authority of District Court commissioners to  
8 issue interim orders; authorizing a petitioner for a domestic violence order or  
9 peace order to file a petition with a District Court commissioner under certain  
10 circumstances; establishing that a petitioner for a domestic violence order may  
11 not be required to pay a filing fee or costs for the issuance or service of an  
12 interim order issued by a District Court commissioner; specifying the types of  
13 relief that may be granted in an interim domestic violence order or interim  
14 peace order; requiring interim orders to contain certain statements; requiring a  
15 temporary order hearing to be held within a certain time period after issuance of  
16 an interim order except under certain circumstances; providing for the service  
17 and return of service of interim orders; providing for the transfer of case files

1 from District Court commissioners to courts; requiring a law enforcement officer  
2 to take certain actions on receipt of a petition and interim order; establishing  
3 that an interim order is effective for a certain period of time; establishing that a  
4 decision of a District Court commissioner to grant or deny interim relief is not  
5 binding on and does not affect any power or duty of a judge; making it a crime  
6 subject to certain penalties to knowingly provide false information on a certain  
7 petition; eliminating the requirement that a hearing on a petition for a  
8 temporary domestic violence order or a temporary peace order be ex parte;  
9 authorizing a court to proceed with a protective order hearing or peace order  
10 hearing under certain circumstances; authorizing the court to waive a certain  
11 hearing under certain circumstances; making a violation of an interim domestic  
12 violence order or interim peace order a crime subject to certain penalties;  
13 requiring a law enforcement officer to arrest with or without a warrant an  
14 individual who violates an interim domestic violence order or interim peace  
15 order under certain circumstances; clarifying language; making certain  
16 conforming changes; making this Act subject to a certain contingency; defining  
17 certain terms; and generally relating to interim domestic violence orders and  
18 interim peace orders.

19 BY renumbering

20 Article - Courts and Judicial Proceedings  
21 Section 2-607(d) and 3-1501(b), (c), (d), and (e), respectively  
22 to be Section 2-607(c)(5) and 3-1501(c), (f), (g), and (h), respectively  
23 Annotated Code of Maryland  
24 (1998 Replacement Volume and 2001 Supplement)

25 BY renumbering

26 Article - Family Law  
27 Section 4-501(e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively  
28 to be Section 4-501(f), (g), (i), (k), (l), (m), (n), (o), (q), and (r), respectively  
29 Annotated Code of Maryland  
30 (1999 Replacement Volume and 2001 Supplement)

31 BY adding to

32 Article - Courts and Judicial Proceedings  
33 Section 2-607(d), 3-1501(b), (d), (e), and (i), and 3-1503.1  
34 Annotated Code of Maryland  
35 (1998 Replacement Volume and 2001 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article - Courts and Judicial Proceedings  
38 Section 3-1503(a) and (c), 3-1504, 3-1505, 3-1506, 3-1507, ~~and~~ 3-1508, and  
39 4-401(14)  
40 Annotated Code of Maryland  
41 (1998 Replacement Volume and 2001 Supplement)

1 BY adding to  
2 Article - Family Law  
3 Section 4-501(e), (h), (j), and (p), and 4-504.1  
4 Annotated Code of Maryland  
5 (1999 Replacement Volume and 2001 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article - Family Law  
8 Section 4-503(a)(2)(iii), 4-504, 4-505, 4-506, 4-507, 4-508, and 4-509  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2001 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That Section(s) 2-607(d) and 3-1501(b), (c), (d), and (e), respectively, of  
13 Article - Courts and Judicial Proceedings of the Annotated Code of Maryland be  
14 renumbered to be Section(s) 2-607(c)(5) and 3-1501(c), (f), (g), and (h), respectively.

15 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-501(e), (f),  
16 (g), (h), (i), (j), (k), (l), (m), and (n), respectively, of Article - Family Law of the  
17 Annotated Code of Maryland be renumbered to be Section(s) 4-501(f), (g), (i), (k), (l),  
18 (m), (n), (o), (q), and (r), respectively.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
20 read as follows:

21 **Article - Courts and Judicial Proceedings**

22 2-607.

23 (D) (1) THE AUTHORITY UNDER THIS SUBSECTION APPLIES ONLY TO A  
24 RESPONDENT WHO IS AN ADULT.

25 (2) A COMMISSIONER MAY ISSUE AN INTERIM ORDER FOR PROTECTION  
26 OF A PERSON ELIGIBLE FOR RELIEF IN ACCORDANCE WITH § 4-504.1 OF THE FAMILY  
27 LAW ARTICLE OR A PETITIONER IN ACCORDANCE WITH § 3-1503.1 OF THIS ARTICLE.

28 4-401.

29 Except as provided in § 4-402 of this subtitle, and subject to the venue  
30 provisions of Title 6 of this article, the District Court has exclusive original civil  
31 jurisdiction in:

32 (14) A proceeding for a temporary peace order or A FINAL peace order  
33 under Title 3, Subtitle 15 of this article;

1 3-1501.

2 (B) "COMMISSIONER" MEANS A DISTRICT COURT COMMISSIONER APPOINTED  
3 IN ACCORDANCE WITH ARTICLE IV, § 41G OF THE MARYLAND CONSTITUTION.

4 (D) "FINAL PEACE ORDER" MEANS A PEACE ORDER ISSUED BY A JUDGE  
5 UNDER § 3-1505 OF THIS SUBTITLE.

6 (E) "INTERIM PEACE ORDER" MEANS AN ORDER THAT A COMMISSIONER  
7 ISSUES UNDER THIS SUBTITLE PENDING A HEARING BY A JUDGE ON A PETITION.

8 (I) "TEMPORARY PEACE ORDER" MEANS A PEACE ORDER ISSUED BY A JUDGE  
9 UNDER § 3-1504 OF THIS SUBTITLE.

10 3-1503.

11 (a) A petitioner may seek relief under this subtitle by filing with the court, OR  
12 WITH A COMMISSIONER UNDER THE CIRCUMSTANCES SPECIFIED IN § 3-1503.1(A) OF  
13 THIS SUBTITLE, a petition that alleges the commission of any of the following acts  
14 against the petitioner by the respondent, if the act occurred within 30 days before the  
15 filing of the petition:

16 (1) An act that causes serious bodily harm;

17 (2) An act that places the petitioner in fear of imminent serious bodily  
18 harm;

19 (3) Assault in any degree;

20 (4) Rape or sexual offense, as defined by Article 27, §§ 462 through 464C  
21 of the Code or attempted rape or sexual offense in any degree;

22 (5) False imprisonment;

23 (6) Harassment, as described in Article 27, § 123 of the Code;

24 (7) Stalking, as described in Article 27, § 124 of the Code;

25 (8) Trespass, as described in the trespass subheading of Article 27 of the  
26 Code; or

27 (9) Malicious destruction of property, as described in Article 27, § 111 of  
28 the Code.

29 (c) [In] IF, IN a proceeding under [§ 3-1504 or § 3-1505 of] this subtitle, [if  
30 the] A petitioner alleges, and the [court] COMMISSIONER OR JUDGE finds, that the  
31 disclosure of the address of the petitioner would risk further harm to the petitioner,  
32 that address may be stricken from the petition and omitted from all other documents  
33 filed with the COMMISSIONER OR FILED WITH, OR TRANSFERRED TO, A court.

1 3-1503.1.

2 (A) A PETITION UNDER THIS SUBTITLE MAY BE FILED WITH A COMMISSIONER  
3 WHEN THE OFFICE OF THE DISTRICT COURT CLERK IS NOT OPEN FOR BUSINESS.

4 (B) IF A PETITION IS FILED WITH A COMMISSIONER AND THE COMMISSIONER  
5 FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE  
6 RESPONDENT HAS COMMITTED, AND IS LIKELY TO COMMIT IN THE FUTURE, AN ACT  
7 SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER, THE  
8 COMMISSIONER MAY ISSUE AN INTERIM PEACE ORDER TO PROTECT THE  
9 PETITIONER.

10 (C) AN INTERIM PEACE ORDER:

11 (1) SHALL CONTAIN ONLY THE RELIEF THAT IS MINIMALLY NECESSARY  
12 TO PROTECT THE PETITIONER; AND

13 (2) MAY ORDER THE RESPONDENT TO:

14 (I) REFRAIN FROM COMMITTING OR THREATENING TO COMMIT AN  
15 ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER;

16 (II) REFRAIN FROM CONTACTING, ATTEMPTING TO CONTACT, OR  
17 HARASSING THE PETITIONER;

18 (III) REFRAIN FROM ENTERING THE RESIDENCE OF THE  
19 PETITIONER; AND

20 (IV) REMAIN AWAY FROM THE PLACE OF EMPLOYMENT, SCHOOL,  
21 OR TEMPORARY RESIDENCE OF THE PETITIONER.

22 (D) (1) (I) AN INTERIM PEACE ORDER SHALL STATE THE DATE, TIME, AND  
23 LOCATION FOR THE TEMPORARY PEACE ORDER HEARING AND A TENTATIVE DATE,  
24 TIME, AND LOCATION FOR A FINAL PEACE ORDER HEARING.

25 (II) A TEMPORARY PEACE ORDER HEARING SHALL BE HELD ON THE  
26 FIRST OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING AFTER  
27 ISSUANCE OF THE INTERIM PEACE ORDER, UNLESS THE COURT CONTINUES THE  
28 HEARING FOR GOOD CAUSE.

29 (2) AN INTERIM PEACE ORDER SHALL INCLUDE IN AT LEAST 10-POINT  
30 BOLD TYPE:

31 (I) NOTICE TO THE RESPONDENT THAT:

32 1. THE RESPONDENT MUST GIVE THE COURT WRITTEN  
33 NOTICE OF EACH CHANGE OF ADDRESS; ~~AND~~

34 2. IF THE RESPONDENT FAILS TO APPEAR AT THE  
35 TEMPORARY PEACE ORDER HEARING OR ANY LATER HEARING, THE RESPONDENT

1 MAY BE SERVED WITH ANY OTHER ORDERS OR NOTICES IN THE CASE BY  
2 FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS;

3                                 3. THE, DATE, TIME, AND LOCATION OF THE FINAL PEACE  
4 ORDER HEARING IS TENTATIVE ONLY, AND SUBJECT TO CHANGE; AND

5                                 4. IF THE RESPONDENT DOES NOT ATTEND THE TEMPORARY  
6 PEACE ORDER HEARING, THE RESPONDENT MAY CALL THE OFFICE OF THE CLERK  
7 OF THE DISTRICT COURT AT THE NUMBER PROVIDED IN THE ORDER TO FIND OUT  
8 THE ACTUAL DATE, TIME, AND LOCATION OF ANY FINAL PEACE ORDER HEARING;

9                                 (II) A STATEMENT OF ALL POSSIBLE FORMS AND DURATION OF  
10 RELIEF THAT A TEMPORARY PEACE ORDER OR FINAL PEACE ORDER MAY CONTAIN;

11                                (III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE  
12 HEARING, A JUDGE MAY ISSUE A TEMPORARY PEACE ORDER THAT GRANTS ANY OR  
13 ALL OF THE RELIEF REQUESTED IN THE PETITION OR MAY DENY THE PETITION,  
14 WHETHER OR NOT THE RESPONDENT IS IN COURT; ~~AND~~

15                                (IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN  
16 INTERIM PEACE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER SHALL  
17 ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE  
18 RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE  
19 THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THE INTERIM PEACE  
20 ORDER; AND

21                                (V) THE PHONE NUMBER OF THE OFFICE OF THE DISTRICT COURT  
22 CLERK.

23                                (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM PEACE ORDER, THE  
24 COMMISSIONER SHALL:

25                                (1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM  
26 PEACE ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR SERVICE ON  
27 THE RESPONDENT; AND

28                                (2) BEFORE THE HEARING SCHEDULED IN THE INTERIM PEACE ORDER,  
29 TRANSFER THE CASE FILE AND THE RETURN OF SERVICE, IF ANY, TO THE OFFICE OF  
30 THE DISTRICT COURT CLERK.

31                                (F) A LAW ENFORCEMENT OFFICER SHALL:

32                                (1) IMMEDIATELY ON RECEIPT OF A PETITION AND INTERIM PEACE  
33 ORDER, SERVE THEM ON THE RESPONDENT NAMED IN THE ORDER; AND

34                                (2) IMMEDIATELY AFTER SERVICE, MAKE A RETURN OF SERVICE TO THE  
35 COMMISSIONER'S OFFICE OR, IF THE OFFICE OF THE DISTRICT COURT CLERK IS  
36 OPEN FOR BUSINESS, TO THE CLERK.

1 (G) AN INTERIM PEACE ORDER SHALL BE EFFECTIVE UNTIL A JUDGE RULES  
2 ~~ON THE PETITION AT THE TEMPORARY PEACE ORDER HEARING~~ THE EARLIER OF:

3 (1) THE TEMPORARY PEACE ORDER HEARING UNDER § 3-1504 OF THIS  
4 SUBTITLE; OR

5 (2) THE END OF THE SECOND BUSINESS DAY THE OFFICE OF THE CLERK  
6 OF THE DISTRICT COURT IS OPEN FOLLOWING THE ISSUANCE OF AN INTERIM PEACE  
7 ORDER.

8 (H) A DECISION OF A COMMISSIONER TO GRANT OR DENY RELIEF UNDER THIS  
9 SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY POWER GRANTED TO OR  
10 DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE DISTRICT COURT UNDER  
11 ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A PETITION FOR A  
12 TEMPORARY PEACE ORDER OR FINAL PEACE ORDER.

13 (I) AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A  
14 PETITION FILED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON  
15 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT  
16 EXCEEDING 90 DAYS OR BOTH.

17 3-1504.

18 (a) (1) If AFTER A HEARING ON a petition [is filed under § 3-1503 of this  
19 subtitle and the court], WHETHER EX PARTE OR OTHERWISE, A JUDGE finds that  
20 there are reasonable grounds to believe that the respondent has committed, and is  
21 likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against  
22 the petitioner, the [court, in an ex parte proceeding,] JUDGE may issue a temporary  
23 peace order to protect the petitioner.

24 (2) The temporary peace order may include any or all of the following  
25 relief:

26 (i) Order the respondent to refrain from committing or threatening  
27 to commit an act specified in § 3-1503(a) of this subtitle against the petitioner;

28 (ii) Order the respondent to refrain from contacting, attempting to  
29 contact, or harassing the petitioner;

30 (iii) Order the respondent to refrain from entering the residence of  
31 the petitioner; and

32 (iv) Order the respondent to remain away from the place of  
33 employment, school, or temporary residence of the petitioner.

34 (3) If the [court] JUDGE issues an order under this section, the order  
35 shall contain only the relief that is minimally necessary to protect the petitioner.

1 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
2 A law enforcement officer immediately shall serve the temporary peace order on the  
3 respondent.

4 (2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM PEACE  
5 ORDER UNDER § 3-1503.1 OF THIS SUBTITLE SHALL BE SERVED WITH THE  
6 TEMPORARY PEACE ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT  
7 PRESENT AT THE TEMPORARY PEACE ORDER HEARING, BY ~~FIRST CLASS~~  
8 FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS.

9 (c) (1) The temporary peace order shall be effective for not more than 7 days  
10 after service of the order.

11 (2) The [court] JUDGE may extend the temporary peace order as needed,  
12 but not to exceed 30 days, to effectuate service of the order where necessary to provide  
13 protection or for other good cause.

14 (D) THE JUDGE MAY PROCEED WITH A FINAL PEACE ORDER HEARING  
15 INSTEAD OF A TEMPORARY PEACE ORDER HEARING IF:

16 (1) (I) THE RESPONDENT APPEARS AT THE HEARING;

17 (II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM PEACE  
18 ORDER; OR

19 (III) THE COURT OTHERWISE HAS PERSONAL JURISDICTION OVER  
20 THE RESPONDENT; AND

21 (2) THE PETITIONER AND THE RESPONDENT EXPRESSLY CONSENT TO  
22 WAIVE THE TEMPORARY PEACE ORDER HEARING.

23 3-1505.

24 (a) A respondent shall have an opportunity to be heard on the question of  
25 whether the [court] JUDGE should issue a FINAL peace order.

26 (b) (1) (i) The temporary peace order shall state the date and time of the  
27 FINAL peace order hearing.

28 (ii) Unless continued for good cause, the FINAL peace order hearing  
29 shall be held no later than 7 days after the temporary peace order is served on the  
30 respondent.

31 (2) The temporary peace order shall include notice to the respondent:

32 (i) In at least 10-point bold type, that if the respondent fails to  
33 appear at the FINAL peace order hearing, the respondent may be served by first-class  
34 mail at the respondent's last known address with the FINAL peace order and all other  
35 notices concerning the FINAL peace order;

1 (ii) Specifying all the possible forms of relief under subsection (d) of  
2 this section that the FINAL peace order may contain;

3 (iii) That the FINAL peace order shall be effective for the period  
4 stated in the order, not to exceed 6 months; and

5 (iv) In at least 10-point bold type, that the respondent must notify  
6 the court in writing of any change of address.

7 (c) (1) If the respondent appears for the FINAL peace order hearing, has  
8 been served with [the] AN INTERIM PEACE ORDER OR A temporary peace order, or the  
9 court otherwise has personal jurisdiction over the respondent, the [court] JUDGE:

10 (i) May proceed with the FINAL peace order hearing; and

11 (ii) If the [court] JUDGE finds by clear and convincing evidence  
12 that the respondent has committed, and is likely to commit in the future, an act  
13 specified in § 3-1503(a) of this subtitle against the petitioner, or if the respondent  
14 consents to the entry of a peace order, the court may issue a FINAL peace order to  
15 protect the petitioner.

16 (2) A FINAL peace order may be issued only to an individual who has  
17 filed a petition under § 3-1503 of this subtitle.

18 (3) In cases where both parties file a petition under § 3-1503 of this  
19 subtitle, the [court] JUDGE may issue mutual peace orders if the [court] JUDGE  
20 finds by clear and convincing evidence that each party has committed, and is likely to  
21 commit in the future, an act specified in § 3-1503(a) of this subtitle against the other  
22 party.

23 (d) (1) The FINAL peace order may include any or all of the following relief:

24 (i) Order the respondent to refrain from committing or threatening  
25 to commit an act specified in § 3-1503(a) of this subtitle against the petitioner;

26 (ii) Order the respondent to refrain from contacting, attempting to  
27 contact, or harassing the petitioner;

28 (iii) Order the respondent to refrain from entering the residence of  
29 the petitioner;

30 (iv) Order the respondent to remain away from the place of  
31 employment, school, or temporary residence of the petitioner;

32 (v) Direct the respondent or petitioner to participate in  
33 professionally supervised counseling or, if the parties are amenable, mediation; and

34 (vi) Order either party to pay filing fees and costs of a proceeding  
35 under this subtitle.

1 (2) If the [court] JUDGE issues an order under this section, the order  
2 shall contain only the relief that is minimally necessary to protect the petitioner.

3 (e) (1) A copy of the FINAL peace order shall be served on the petitioner, the  
4 respondent, the appropriate law enforcement agency, and any other person the court  
5 determines is appropriate, in open court or, if the person is not present at the FINAL  
6 peace order hearing, by first-class mail to the person's last known address.

7 (2) (i) A copy of the FINAL peace order served on the respondent in  
8 accordance with paragraph (1) of this subsection constitutes actual notice to the  
9 respondent of the contents of the FINAL peace order.

10 (ii) Service is complete upon mailing.

11 (f) All relief granted in a FINAL peace order shall be effective for the period  
12 stated in the order, not to exceed 6 months.

13 3-1506.

14 (a) [The court that issued the] A peace order may [modify or rescind the  
15 peace order] BE MODIFIED OR RESCINDED during the term of the peace order after:

16 (1) Giving notice to the petitioner and the respondent; and

17 (2) A hearing.

18 (b) (1) If [the] A District Court JUDGE grants or denies relief under a  
19 petition filed under this subtitle, a respondent or a petitioner may appeal to the  
20 circuit court for the county where the District Court is located.

21 (2) An appeal taken under this subsection to the circuit court shall be  
22 heard de novo in the circuit court.

23 (3) (i) If an appeal is filed under this subsection, the District Court  
24 judgment shall remain in effect until superseded by a judgment of the circuit court.

25 (ii) Unless the circuit court orders otherwise, modification or  
26 enforcement of the District Court order shall be by the District Court.

27 3-1507.

28 (A) [The] AN INTERIM PEACE ORDER, temporary peace [order] ORDER, and  
29 FINAL peace order issued under this subtitle shall state that a violation of the order  
30 may result in:

31 (1) [A finding of contempt;

32 (2)] Criminal prosecution; and

33 [(3)] (2) Imprisonment or fine or both.

1 (B) A TEMPORARY PEACE ORDER AND FINAL PEACE ORDER ISSUED UNDER  
2 THIS SUBTITLE SHALL STATE THAT A VIOLATION OF THE ORDER MAY RESULT IN A  
3 FINDING OF CONTEMPT.

4 3-1508.

5 (a) An individual who fails to comply with the relief granted in AN INTERIM  
6 PEACE ORDER UNDER § 3-1503.1 OF THIS SUBTITLE, a temporary peace order under §  
7 3-1504(a)(2) of this [subtitle] SUBTITLE, or [in] a FINAL peace order under §  
8 3-1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on  
9 conviction is subject, for each offense, to a fine not exceeding \$1,000 or imprisonment  
10 not exceeding 90 days or both.

11 (b) A law enforcement officer shall arrest with or without a warrant and take  
12 into custody an individual [whom] WHO the officer has probable cause to believe is in  
13 violation of [a] AN INTERIM PEACE ORDER, temporary peace [order] ORDER, or  
14 FINAL peace order in effect at the time of the violation.

15 **Article - Family Law**

16 4-501.

17 (E) "COMMISSIONER" MEANS A DISTRICT COURT COMMISSIONER APPOINTED  
18 IN ACCORDANCE WITH ARTICLE IV § 41G OF THE MARYLAND CONSTITUTION.

19 (H) "FINAL PROTECTIVE ORDER" MEANS A PROTECTIVE ORDER ISSUED  
20 UNDER § 4-506 OF THIS SUBTITLE.

21 (J) "INTERIM PROTECTIVE ORDER" MEANS AN ORDER THAT A COMMISSIONER  
22 ISSUES UNDER THIS SUBTITLE PENDING A HEARING BY A JUDGE ON A PETITION.

23 (P) "TEMPORARY PROTECTIVE ORDER" MEANS A PROTECTIVE ORDER ISSUED  
24 UNDER § 4-505 OF THIS SUBTITLE.

25 4-503.

26 (a) A law enforcement officer who responds to a request for help under § 4-502  
27 of this Part I of this subtitle shall give the victim a written notice that:

28 (2) states that:

29 (iii) the victim may file in the District Court or a circuit court  
30 [under this subtitle] OR, WHEN NEITHER THE OFFICE OF THE CLERK OF THE  
31 CIRCUIT COURT NOR THE OFFICE OF THE DISTRICT COURT CLERK IS OPEN, WITH A  
32 COMMISSIONER, a petition [for relief from abuse] UNDER THIS SUBTITLE; and

33 4-504.

34 (a) A petitioner may seek relief from abuse by filing with a court, OR WITH A  
35 COMMISSIONER UNDER THE CIRCUMSTANCES SPECIFIED IN § 4-504.1(A) OF THIS

1 SUBTITLE, a petition that alleges abuse of any person eligible for relief by the  
2 respondent.

3 (b) (1) The petition shall:

4 (i) be under oath; and

5 (ii) include any information known to the petitioner of:

6 1. the nature and extent of the abuse for which the relief is  
7 being sought, including information known to the petitioner concerning previous  
8 injury resulting from abuse by the respondent;

9 2. each previous action between the parties in any court;

10 3. each pending action between the parties in any court;

11 4. the whereabouts of the respondent, if known;

12 5. if financial relief is requested, information known to the  
13 petitioner regarding the financial resources of the respondent; and

14 6. in a case of alleged child abuse or alleged abuse of a  
15 vulnerable adult, the whereabouts of the child or vulnerable adult and any other  
16 information relating to the abuse of the child or vulnerable adult.

17 (2) If the petition states that disclosure of the address of a person eligible  
18 for relief would risk further abuse of a person eligible for relief, or reveal the  
19 confidential address of a shelter for domestic violence victims, that address may be  
20 omitted from all documents filed with [the] A COMMISSIONER OR FILED WITH, OR  
21 TRANSFERRED TO, A court. If disclosure is necessary to determine jurisdiction or  
22 consider any venue issue, it shall be made orally and in camera and may not be  
23 disclosed to the respondent.

24 (c) The petitioner may not be required to pay a filing fee or costs for the  
25 issuance or service of:

26 (1) AN INTERIM PROTECTIVE ORDER;

27 [(1)] (2) a temporary [ex parte] PROTECTIVE order;

28 [(2)] (3) a FINAL protective order; or

29 [(3)] (4) a witness subpoena.

30 [(d) (1) When the court finds reasonable grounds to believe that abuse of a  
31 child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as  
32 defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward a  
33 copy of the petition and the ex parte order to the local department.

1 (2) When the local department receives the petition and the ex parte  
2 order from the court, the local department shall:

3 (i) 1. investigate the alleged abuse as provided in Title 5,  
4 Subtitle 7 of this article; or

5 2. investigate the alleged abuse as provided in Title 14,  
6 Subtitle 3 of this article; and

7 (ii) forward a copy of the report of the investigation to the court by  
8 the date of the protective order hearing.]

9 4-504.1.

10 (A) A PETITION UNDER THIS SUBTITLE MAY BE FILED WITH A COMMISSIONER  
11 WHEN NEITHER THE OFFICE OF THE CLERK OF THE CIRCUIT COURT NOR THE  
12 OFFICE OF THE DISTRICT COURT CLERK IS OPEN FOR BUSINESS.

13 (B) IF A PETITION IS FILED WITH A COMMISSIONER AND THE COMMISSIONER  
14 FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE  
15 RESPONDENT HAS ABUSED A PERSON ELIGIBLE FOR RELIEF, THE COMMISSIONER  
16 MAY ISSUE AN INTERIM PROTECTIVE ORDER TO PROTECT A PERSON ELIGIBLE FOR  
17 RELIEF.

18 (C) AN INTERIM PROTECTIVE ORDER MAY:

19 (1) ORDER THE RESPONDENT TO REFRAIN FROM FURTHER ABUSE OR  
20 THREATS OF ABUSE OF A PERSON ELIGIBLE FOR RELIEF;

21 (2) ORDER THE RESPONDENT TO REFRAIN FROM CONTACTING,  
22 ATTEMPTING TO CONTACT, OR HARASSING A PERSON ELIGIBLE FOR RELIEF;

23 (3) ORDER THE RESPONDENT TO REFRAIN FROM ENTERING THE  
24 RESIDENCE OF A PERSON ELIGIBLE FOR RELIEF;

25 (4) IF A PERSON ELIGIBLE FOR RELIEF AND THE RESPONDENT ARE  
26 RESIDING TOGETHER AT THE TIME OF THE ALLEGED ABUSE:

27 (I) ORDER THE RESPONDENT TO VACATE THE HOME  
28 IMMEDIATELY;

29 (II) AWARD TO A PERSON ELIGIBLE FOR RELIEF CUSTODY OF ANY  
30 CHILD OF THE PERSON ELIGIBLE FOR RELIEF AND RESPONDENT THEN RESIDING IN  
31 THE HOME; AND

32 (III) SUBJECT TO THE LIMITS AS TO A NONSPOUSE SPECIFIED IN §  
33 4-505(A)(2)(IV) OF THIS SUBTITLE, AWARD TEMPORARY USE AND POSSESSION OF THE  
34 HOME TO THE PERSON ELIGIBLE FOR RELIEF;

1 (5) IN A CASE ALLEGING ABUSE OF A CHILD, AWARD TEMPORARY  
2 CUSTODY OF A MINOR CHILD OF THE RESPONDENT AND A PERSON ELIGIBLE FOR  
3 RELIEF;

4 (6) IN A CASE ALLEGING ABUSE OF A VULNERABLE ADULT, SUBJECT TO  
5 THE LIMITS AS TO A NONSPOUSE SPECIFIED IN § 4-505(A)(2)(IV) OF THIS SUBTITLE,  
6 AWARD TEMPORARY USE AND POSSESSION OF THE HOME TO AN ADULT LIVING IN  
7 THE HOME;

8 (7) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE PLACE OF  
9 EMPLOYMENT, SCHOOL, OR TEMPORARY RESIDENCE OF A PERSON ELIGIBLE FOR  
10 RELIEF; OR

11 (8) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE RESIDENCE  
12 OF ANY FAMILY MEMBER OF A PERSON ELIGIBLE FOR RELIEF.

13 (D) (1) (I) AN INTERIM PROTECTIVE ORDER SHALL STATE THE DATE,  
14 TIME, AND LOCATION FOR THE TEMPORARY PROTECTIVE ORDER HEARING AND A  
15 TENTATIVE DATE, TIME, AND LOCATION FOR A FINAL PROTECTIVE ORDER HEARING.

16 (II) A TEMPORARY PROTECTIVE ORDER HEARING SHALL BE HELD  
17 ON THE FIRST OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING  
18 AFTER ISSUANCE OF THE INTERIM PROTECTIVE ORDER, UNLESS THE JUDGE  
19 CONTINUES THE HEARING FOR GOOD CAUSE.

20 (2) AN INTERIM PROTECTIVE ORDER SHALL INCLUDE IN AT LEAST  
21 10-POINT BOLD TYPE:

22 (I) NOTICE TO THE RESPONDENT THAT:

23 1. THE RESPONDENT MUST GIVE THE COURT WRITTEN  
24 NOTICE OF EACH CHANGE OF ADDRESS; ~~AND~~

25 2. IF THE RESPONDENT FAILS TO APPEAR AT THE  
26 TEMPORARY PROTECTIVE ORDER HEARING OR ANY LATER HEARING, THE  
27 RESPONDENT MAY BE SERVED WITH ANY ORDERS OR NOTICES IN THE CASE BY  
28 FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS;

29 3. THE DATE, TIME, AND LOCATION OF THE FINAL  
30 PROTECTIVE ORDER HEARING IS TENTATIVE ONLY, AND SUBJECT TO CHANGE; AND

31 4. IF THE RESPONDENT DOES NOT ATTEND THE TEMPORARY  
32 PROTECTIVE ORDER HEARING, THE RESPONDENT MAY CALL THE OFFICE OF THE  
33 CLERK OF THE DISTRICT COURT AT THE NUMBER PROVIDED IN THE ORDER TO FIND  
34 OUT THE ACTUAL DATE, TIME, AND LOCATION OF ANY FINAL PROTECTIVE ORDER  
35 HEARING;

36 (II) A STATEMENT OF ALL POSSIBLE FORMS AND DURATION OF  
37 RELIEF THAT A TEMPORARY PROTECTIVE ORDER OR FINAL PROTECTIVE ORDER MAY  
38 CONTAIN;

1 (III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE  
2 HEARING, A JUDGE MAY ISSUE A TEMPORARY PROTECTIVE ORDER THAT GRANTS  
3 ANY OR ALL OF THE RELIEF REQUESTED IN THE PETITION OR MAY DENY THE  
4 PETITION, WHETHER OR NOT THE RESPONDENT IS IN COURT; ~~AND~~

5 (IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN  
6 INTERIM PROTECTIVE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER  
7 SHALL ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE  
8 RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE  
9 THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THE INTERIM  
10 PROTECTIVE ORDER; AND

11 (V) THE PHONE NUMBER OF THE OFFICE OF THE DISTRICT COURT  
12 CLERK.

13 (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM PROTECTIVE ORDER,  
14 THE COMMISSIONER SHALL:

15 (1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM  
16 PROTECTIVE ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR  
17 SERVICE ON THE RESPONDENT; AND

18 (2) BEFORE THE HEARING SCHEDULED IN THE INTERIM PROTECTIVE  
19 ORDER, TRANSFER THE CASE FILE AND THE RETURN OF SERVICE, IF ANY, TO THE  
20 OFFICE OF THE DISTRICT COURT CLERK.

21 (F) A LAW ENFORCEMENT OFFICER SHALL:

22 (1) IMMEDIATELY ON RECEIPT OF A PETITION AND INTERIM  
23 PROTECTIVE ORDER, SERVE THEM ON THE RESPONDENT NAMED IN THE ORDER; AND

24 (2) IMMEDIATELY AFTER SERVICE, MAKE A RETURN OF SERVICE TO THE  
25 COMMISSIONER'S OFFICE OR, IF THE OFFICE OF THE DISTRICT COURT CLERK IS  
26 OPEN FOR BUSINESS, TO THE CLERK.

27 (G) AN INTERIM PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL ~~ISSUANCE~~  
28 ~~OR DENIAL OF A TEMPORARY PROTECTIVE ORDER UNDER § 4-505 OF THIS SUBTITLE~~  
29 THE EARLIER OF:

30 (1) THE TEMPORARY PROTECTIVE ORDER HEARING UNDER § 4-505 OF  
31 THIS SUBTITLE; OR

32 (2) THE END OF THE SECOND BUSINESS DAY THE OFFICE OF THE CLERK  
33 OF THE DISTRICT COURT IS OPEN FOLLOWING THE ISSUANCE OF AN INTERIM  
34 PROTECTIVE ORDER.

35 (H) A DECISION OF A COMMISSIONER TO GRANT OR DENY RELIEF UNDER THIS  
36 SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY POWER GRANTED TO OR  
37 DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE DISTRICT COURT UNDER

1 ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A PETITION FOR A  
2 TEMPORARY PROTECTIVE ORDER OR FINAL PROTECTIVE ORDER.

3 4-505.

4 (a) (1) If, AFTER A HEARING ON a petition [is filed under this subtitle and  
5 the], WHETHER EX PARTE OR OTHERWISE, A [court] JUDGE finds that there are  
6 reasonable grounds to believe that a person eligible for relief has been abused, the  
7 [court, in an ex parte proceeding,] JUDGE may enter a temporary PROTECTIVE order  
8 to protect any person eligible for relief from abuse.

9 (2) The temporary [ex parte] PROTECTIVE order may order any or all of  
10 the following relief:

11 (i) order the respondent to refrain from further abuse or threats of  
12 abuse of a person eligible for relief;

13 (ii) order the respondent to refrain from contacting, attempting to  
14 contact, or harassing any person eligible for relief;

15 (iii) order the respondent to refrain from entering the residence of a  
16 person eligible for relief;

17 (iv) where the person eligible for relief and the respondent are  
18 residing together at the time of the alleged abuse, order the respondent to vacate the  
19 home immediately and award temporary use and possession of the home to the person  
20 eligible for relief or in the case of alleged abuse of a child or alleged abuse of a  
21 vulnerable adult, award temporary use and possession of the home to an adult living  
22 in the home, provided that the court may not grant an order to vacate and award  
23 temporary use and possession of the home to a nonspouse person eligible for relief  
24 unless the name of the person eligible for relief appears on the lease or deed to the  
25 home or the person eligible for relief has resided in the home with the respondent for  
26 a period of at least 90 days within 1 year before the filing of the petition;

27 (v) order the respondent to remain away from the place of  
28 employment, school, or temporary residence of a person eligible for relief or home of  
29 other family members;

30 (vi) order the respondent to remain away from a child care provider  
31 of a person eligible for relief while a child of the person is in the care of the child care  
32 provider; and

33 (vii) award temporary custody of a minor child of the person eligible  
34 for relief and the respondent.

35 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
36 A law enforcement officer immediately shall serve the temporary [ex parte]  
37 PROTECTIVE order on the alleged abuser under this section.

1 (2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM  
2 PROTECTIVE ORDER UNDER § 4-504.1 OF THIS SUBTITLE SHALL BE SERVED WITH THE  
3 TEMPORARY PROTECTIVE ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT  
4 PRESENT AT THE TEMPORARY PROTECTIVE ORDER HEARING, BY ~~FIRST CLASS~~  
5 FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS.

6 [(2)] (3) There shall be no cost to the petitioner for service of the  
7 temporary [ex parte] PROTECTIVE order.

8 (c) (1) The temporary [ex parte] PROTECTIVE order shall be effective for  
9 not more than 7 days after service of the order.

10 (2) The [court] JUDGE may extend the temporary [ex parte]  
11 PROTECTIVE order as needed, but not to exceed 30 days, to effectuate service of the  
12 order where necessary to provide protection or for other good cause.

13 (D) THE JUDGE MAY PROCEED WITH A FINAL PROTECTIVE ORDER HEARING  
14 INSTEAD OF A TEMPORARY PROTECTIVE ORDER HEARING, IF:

15 (1) (I) THE RESPONDENT APPEARS AT THE HEARING;

16 (II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM  
17 PROTECTIVE ORDER; OR

18 (III) THE COURT OTHERWISE HAS PERSONAL JURISDICTION OVER  
19 THE RESPONDENT; AND

20 (2) THE PETITIONER AND THE RESPONDENT EXPRESSLY CONSENT TO  
21 WAIVE THE TEMPORARY PROTECTIVE ORDER HEARING.

22 (E) (1) WHENEVER A JUDGE FINDS REASONABLE GROUNDS TO BELIEVE  
23 THAT ABUSE OF A CHILD, AS DEFINED IN TITLE 5, SUBTITLE 7 OF THIS ARTICLE, OR  
24 ABUSE OF A VULNERABLE ADULT, AS DEFINED IN TITLE 14, SUBTITLE 1 OF THIS  
25 ARTICLE, HAS OCCURRED, THE COURT SHALL FORWARD TO THE LOCAL  
26 DEPARTMENT A COPY OF THE PETITION AND TEMPORARY PROTECTIVE ORDER.

27 (2) WHENEVER A LOCAL DEPARTMENT RECEIVES A PETITION AND  
28 TEMPORARY PROTECTIVE ORDER FROM A COURT, THE LOCAL DEPARTMENT SHALL:

29 (I) INVESTIGATE THE ALLEGED ABUSE AS PROVIDED IN:

30 1. TITLE 5, SUBTITLE 7 OF THIS ARTICLE; OR

31 2. TITLE 14, SUBTITLE 3 OF THIS ARTICLE; AND

32 (II) BY THE DATE OF THE FINAL PROTECTIVE ORDER HEARING,  
33 SEND TO THE COURT A COPY OF THE REPORT OF THE INVESTIGATION.

1 4-506.

2 (a) A respondent under § 4-505 of this subtitle shall have an opportunity to be  
3 heard on the question of whether the [court] JUDGE should issue a FINAL protective  
4 order.

5 (b) (1) (i) The temporary [ex parte] PROTECTIVE order shall state the  
6 date and time of the FINAL protective order hearing.

7 (ii) Unless continued for good cause, the FINAL protective order  
8 hearing shall be held no later than 7 days after the temporary [ex parte]  
9 PROTECTIVE order is served on the respondent.

10 (2) The temporary [ex parte] PROTECTIVE order shall include notice to  
11 the respondent:

12 (i) in at least 10-point bold type, that if the respondent fails to  
13 appear at the FINAL protective order hearing, the respondent may be served by  
14 first-class mail at the respondent's last known address with the FINAL protective  
15 order and all other notices concerning the FINAL protective order;

16 (ii) specifying all the possible forms of relief under subsection (d) of  
17 this section that the FINAL protective order may contain;

18 (iii) that the FINAL protective order shall be effective for the period  
19 stated in the order, not to exceed 12 months, unless the [court] JUDGE extends the  
20 term of the order, under § 4-507(a)(2) of this subtitle; and

21 (iv) in at least 10-point bold type, that the respondent must notify  
22 the court in writing of any change of address.

23 (c) (1) If the respondent appears [for the] BEFORE THE COURT AT A  
24 protective order hearing[,] OR has been served with [the] AN INTERIM OR temporary  
25 [ex parte] PROTECTIVE order, or the court otherwise has personal jurisdiction over  
26 the respondent, the [court] JUDGE:

27 (i) may proceed with the FINAL protective order hearing; and

28 (ii) if the [court] JUDGE finds by clear and convincing evidence  
29 that the alleged abuse has occurred, or if the respondent consents to the entry of a  
30 protective order, the [court] JUDGE may grant a FINAL protective order to protect  
31 any person eligible for relief from abuse.

32 (2) A FINAL protective order may be issued only to a person who has filed  
33 a petition under § 4-504 of this subtitle.

34 (3) (i) Subject to the provisions of subparagraph (ii) of this paragraph,  
35 in cases where both parties file a petition under § 4-504 of this subtitle, the [court]  
36 JUDGE may issue mutual protective orders if the [court] JUDGE finds by clear and  
37 convincing evidence that mutual abuse has occurred.

1 (ii) The [court] JUDGE may issue mutual FINAL protective orders  
2 only if the [court] JUDGE makes a detailed finding of fact that:

- 3 1. both parties acted primarily as aggressors; and
- 4 2. neither party acted primarily in self-defense.

5 (d) The FINAL protective order may include any or all of the following relief:

6 (1) order the respondent to refrain from abusing or threatening to abuse  
7 any person eligible for relief;

8 (2) order the respondent to refrain from contacting, attempting to  
9 contact, or harassing any person eligible for relief;

10 (3) order the respondent to refrain from entering the residence of any  
11 person eligible for relief;

12 (4) where the person eligible for relief and the respondent are residing  
13 together at the time of the abuse, order the respondent to vacate the home  
14 immediately and award temporary use and possession of the home to the person  
15 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a  
16 vulnerable adult, award temporary use and possession of the home to an adult living  
17 in the home, provided that the court may not grant an order to vacate and award  
18 temporary use and possession of the home to a nonspouse person eligible for relief  
19 unless the name of the person eligible for relief appears on the lease or deed to the  
20 home or the person eligible for relief has shared the home with the respondent for a  
21 period of at least 90 days within 1 year before the filing of the petition;

22 (5) order the respondent to remain away from the place of employment,  
23 school, or temporary residence of a person eligible for relief or home of other family  
24 members;

25 (6) order the respondent to remain away from a child care provider of a  
26 person eligible for relief while a child of the person is in the care of the child care  
27 provider;

28 (7) award temporary custody of a minor child of the respondent and a  
29 person eligible for relief;

30 (8) establish temporary visitation with a minor child of the respondent  
31 and a person eligible for relief on a basis which gives primary consideration to the  
32 welfare of the minor child and the safety of any other person eligible for relief. If the  
33 court finds that the safety of a person eligible for relief will be jeopardized by  
34 unsupervised or unrestricted visitation, the court shall condition or restrict visitation  
35 as to time, place, duration, or supervision, or deny visitation entirely, as needed to  
36 guard the safety of any person eligible for relief;

37 (9) award emergency family maintenance as necessary to support any  
38 person eligible for relief to whom the respondent has a duty of support under this

1 article, including an immediate and continuing withholding order on all earnings of  
2 the respondent in the amount of the ordered emergency family maintenance in  
3 accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

4 (10) award temporary use and possession of a vehicle jointly owned by the  
5 respondent and a person eligible for relief to the person eligible for relief if necessary  
6 for the employment of the person eligible for relief or for the care of a minor child of  
7 the respondent or a person eligible for relief;

8 (11) direct the respondent or any or all of the persons eligible for relief to  
9 participate in professionally supervised counseling or a domestic violence program;

10 (12) order the respondent to surrender to law enforcement authorities any  
11 firearm in the respondent's possession for the duration of the protective order; or

12 (13) order the respondent to pay filing fees and costs of a proceeding  
13 under this subtitle.

14 (e) In determining whether to order the respondent to vacate the home under  
15 § 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the [court] JUDGE  
16 shall consider the following factors:

17 (1) the housing needs of any minor child living in the home;

18 (2) the duration of the relationship between the respondent and any  
19 person eligible for relief;

20 (3) title to the home;

21 (4) pendency and type of criminal charges against the respondent;

22 (5) the history and severity of abuse in the relationship between the  
23 respondent and any person eligible for relief;

24 (6) the existence of alternative housing for the respondent and any  
25 person eligible for relief; and

26 (7) the financial resources of the respondent and the person eligible for  
27 relief.

28 (f) (1) A copy of the FINAL protective order shall be served on the petitioner,  
29 the respondent, any affected person eligible for relief, the appropriate law  
30 enforcement agency, and any other person the [court] JUDGE determines is  
31 appropriate, in open court or, if the person is not present at the FINAL protective  
32 order hearing, by first class mail to the person's last known address.

33 (2) A copy of the FINAL protective order served on the respondent in  
34 accordance with paragraph (1) of this subsection constitutes actual notice to the  
35 respondent of the contents of the FINAL protective order. Service is complete upon  
36 mailing.

1 (g) (1) Except as provided in paragraph (2) of this subsection, all relief  
2 granted in a FINAL protective order shall be effective for the period stated in the  
3 order, not to exceed 12 months.

4 (2) A subsequent circuit court order pertaining to any of the provisions  
5 included in the FINAL protective order shall supersede those provisions in the FINAL  
6 protective order.

7 4-507.

8 (a) (1) [The court that issued the] A protective order may [modify or  
9 rescind the protective order] BE MODIFIED OR RESCINDED during the term of the  
10 protective order after:

11 (i) giving notice to all affected persons eligible for relief and the  
12 respondent; and

13 (ii) a hearing.

14 (2) For good cause shown, [the court that issued a protective order] A  
15 JUDGE may extend the term of the protective order for 6 months beyond the period  
16 specified in § 4-506(g) of this subtitle, after:

17 (i) giving notice to all affected persons eligible for relief and the  
18 respondent; and

19 (ii) a hearing.

20 (b) (1) If [the] A District Court JUDGE grants or denies relief under a  
21 petition filed under this subtitle, a respondent, any person eligible for relief, or a  
22 petitioner may appeal to the circuit court for the county where the District Court is  
23 located.

24 (2) An appeal taken under this subsection to the circuit court shall be  
25 heard de novo in the circuit court.

26 (3) If an appeal is filed under this subsection, the District Court  
27 judgment shall remain in effect until superseded by a judgment of the circuit court.  
28 Unless the circuit court orders otherwise, modification or enforcement of the District  
29 Court order shall be by the District Court.

30 4-508.

31 (A) [The] AN INTERIM PROTECTIVE ORDER, temporary [ex parte order]  
32 PROTECTIVE ORDER, and FINAL protective order issued under this subtitle shall state  
33 that a violation of the order may result in:

34 (1) [a finding of contempt;

35 (2)] criminal prosecution; and

1 [(3)] (2) imprisonment or fine or both.

2 (B) A TEMPORARY PROTECTIVE ORDER AND FINAL PROTECTIVE ORDER  
3 ISSUED UNDER THIS SUBTITLE SHALL STATE THAT A VIOLATION OF THE ORDER MAY  
4 RESULT IN A FINDING OF CONTEMPT.

5 4-509.

6 (a) A person who fails to comply with the relief granted in an [ex parte]  
7 INTERIM PROTECTIVE ORDER UNDER § 4-504.1(C)(1), (2), (3), (4)(I), (7), OR (8) OF THIS  
8 SUBTITLE, A TEMPORARY PROTECTIVE order under § 4-505(a)(2)(i), (ii), (iii), (iv), or  
9 (v) of this [subtitle] SUBTITLE, or [in] a FINAL protective order under § 4-506(d)(1),  
10 (2), (3), (4), or (5) of this subtitle is guilty of a misdemeanor and on conviction is  
11 subject, for each offense, to:

12 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not  
13 exceeding 90 days or both; and

14 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or  
15 imprisonment not exceeding 1 year or both.

16 (b) An officer shall arrest with or without a warrant and take into custody a  
17 person [whom] WHO the officer has probable cause to believe is in violation of an [ex  
18 parte order] INTERIM, TEMPORARY, or FINAL protective order in effect at the time of  
19 the violation.

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is contingent on  
21 the passage of Chapter \_\_\_ (S.B./H.B. \_\_) (2lr0989/0988) of the Acts of the General  
22 Assembly of 2002, a Constitutional Amendment, and its ratification by the voters of  
23 the State.

24 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the  
25 provisions of Section 4 of this Act, this Act shall take effect on the date of certification  
26 of the election results or the question of ratification of the Constitutional Amendment  
27 by the voters of the State.