

HOUSE BILL 98

D4

9lr0498
CF 9lr1632

By: **Delegates Simmons, Anderson, Barnes, Dumais, Feldman, Kramer, Levi, McComas, Rosenberg, Smigiel, Valderrama, and Waldstreicher**

Introduced and read first time: January 21, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Temporary Protective Orders – Extension**

3 FOR the purpose of altering the period of time for which a judge is authorized to
4 extend a temporary protective order to effectuate service of the order where
5 necessary to provide protection or for other good cause; and generally relating to
6 temporary protective orders.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 4–505
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Family Law**

15 4–505.

16 (a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a
17 judge finds that there are reasonable grounds to believe that a person eligible for relief
18 has been abused, the judge may enter a temporary protective order to protect any
19 person eligible for relief from abuse.

20 (2) The temporary protective order may order any or all of the
21 following relief:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (iv) where the person eligible for relief and the respondent are
6 residing together at the time of the alleged abuse, order the respondent to vacate the
7 home immediately and award temporary use and possession of the home to the person
8 eligible for relief or in the case of alleged abuse of a child or alleged abuse of a
9 vulnerable adult, award temporary use and possession of the home to an adult living
10 in the home, provided that the court may not grant an order to vacate and award
11 temporary use and possession of the home to a nonspouse person eligible for relief
12 unless the name of the person eligible for relief appears on the lease or deed to the
13 home or the person eligible for relief has resided in the home with the respondent for a
14 period of at least 90 days within 1 year before the filing of the petition;

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

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

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

23 (b) (1) Except as provided in paragraph (2) of this subsection, a law
24 enforcement officer immediately shall serve the temporary protective order on the
25 alleged abuser under this section.

26 (2) A respondent who has been served with an interim protective order
27 under § 4–504.1 of this subtitle shall be served with the temporary protective order in
28 open court or, if the respondent is not present at the temporary protective order
29 hearing, by first-class mail at the respondent's last known address.

30 (3) There shall be no cost to the petitioner for service of the temporary
31 protective order.

32 (c) (1) The temporary protective order shall be effective for not more than
33 7 days after service of the order.

34 (2) The judge may extend the temporary protective order as needed,
35 but not to exceed [30 days] **6 MONTHS**, to effectuate service of the order where
36 necessary to provide protection or for other good cause.

1 (d) The judge may proceed with a final protective order hearing instead of a
2 temporary protective order hearing, if:

3 (1) (i) the respondent appears at the hearing;

4 (ii) the respondent has been served with an interim protective
5 order; or

6 (iii) the court otherwise has personal jurisdiction over the
7 respondent; and

8 (2) the petitioner and the respondent expressly consent to waive the
9 temporary protective order hearing.

10 (e) (1) Whenever a judge finds reasonable grounds to believe that abuse of
11 a child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult,
12 as defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward to
13 the local department a copy of the petition and temporary protective order.

14 (2) Whenever a local department receives a petition and temporary
15 protective order from a court, the local department shall:

16 (i) investigate the alleged abuse as provided in:

17 1. Title 5, Subtitle 7 of this article; or

18 2. Title 14, Subtitle 3 of this article; and

19 (ii) by the date of the final protective order hearing, send to the
20 court a copy of the report of the investigation.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2009.