

CHAPTER 564

(House Bill 98)

AN ACT concerning

Domestic Violence – Temporary Protective Orders – Extension

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

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

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

Article – Family Law

4–505.

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

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

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

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

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

(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the

home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) investigate the alleged abuse as provided in:

1. Title 5, Subtitle 7 of this article; or
2. Title 14, Subtitle 3 of this article; and

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

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

Approved by the Governor, May 19, 2009.