

Article - Family Law

[Previous][Next]

§4–504. IN EFFECT

(a) (1) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

(2) A petition may be filed under this subtitle if:

- (i) the abuse is alleged to have occurred in the State; or
- (ii) the person eligible for relief is a resident of the State, regardless of whether the abuse is alleged to have occurred in the State.

(b) (1) The petition shall:

- (i) be under oath; and
- (ii) include any information known to the petitioner of:
 - 1. the nature and extent of the abuse for which the relief is being sought, including information known to the petitioner concerning previous injury resulting from abuse by the respondent;
 - 2. each previous action between the parties in any court;
 - 3. each pending action between the parties in any court;
 - 4. the whereabouts of the respondent, if known;
 - 5. if financial relief is requested, information known to the petitioner regarding the financial resources of the respondent; and
 - 6. in a case of alleged child abuse or alleged abuse of a vulnerable adult, the whereabouts of the child or vulnerable adult and any other information relating to the abuse of the child or vulnerable adult.

(2) If the petition states that disclosure of the address of a person eligible for relief would risk further abuse of a person eligible for relief, or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with a commissioner or filed with, or transferred to, a court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera and may not be disclosed to the respondent.

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

- (1) an interim protective order;
- (2) a temporary protective order;
- (3) a final protective order; or
- (4) a witness subpoena.

(d) (1) If a petitioner has requested notification of the service of a protective order, the Department of Public Safety and Correctional Services shall:

(i) notify the petitioner of the service on the respondent of an interim or a temporary protective order within one hour after a law enforcement officer electronically notifies the Department of Public Safety and Correctional Services of the service; and

(ii) notify the petitioner of the service on the respondent of a final protective order within one hour after knowledge of service of the order on the respondent.

(2) The Department of Public Safety and Correctional Services shall develop a notification request form and procedures for notification under this subsection.

(3) The court clerk or Commissioner shall provide the notification request form to a petitioner.

4-504. // EFFECTIVE DECEMBER 31, 2016 PER CHAPTER 79 OF 2013 //

(a) (1) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4-504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

(2) A petition may be filed under this subtitle if:

(i) the abuse is alleged to have occurred in the State; or

(ii) the person eligible for relief is a resident of the State, regardless of whether the abuse is alleged to have occurred in the State.

(b) (1) The petition shall:

(i) be under oath; and

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

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

2. each previous action between the parties in any court;
3. each pending action between the parties in any court;
4. the whereabouts of the respondent, if known;
5. if financial relief is requested, information known to the petitioner regarding the financial resources of the respondent; and
6. in a case of alleged child abuse or alleged abuse of a vulnerable adult, the whereabouts of the child or vulnerable adult and any other information relating to the abuse of the child or vulnerable adult.

(2) If the petition states that disclosure of the address of a person eligible for relief would risk further abuse of a person eligible for relief, or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with a commissioner or filed with, or transferred to, a court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera and may not be disclosed to the respondent.

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

- (1) an interim protective order;
- (2) a temporary protective order;
- (3) a final protective order; or
- (4) a witness subpoena.

[Previous][Next]