
To: Members of the House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Eleni C. vanRoden, Esquire

Date: January 30, 2020

Subject: **House Bill 250:**
Family Law – Final Protective Order – Extension

Position: **SUPPORT**

The Maryland State Bar Association (MSBA) FJLSC **supports House Bill 250 – Family Law – Final Protective Order – Extension.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

Under current law, if the hearing on the motion is scheduled after the original expiration date of the final protective order, the Court shall extend the order and keep the terms of the order in full force and effect until the hearing on the motion. *Ann. Code Md., Fam. Law Art. §4-507(a)(4)(ii)*. The issue that arises with the current language in this law comes down to timing on the part of the Court and safety on the part of the petitioner, therefore creating a potential liability with Court personnel or enforcers. Should there be a situation where relief is requested, but not acted upon until the following business day or until the motion has been reviewed by Court personnel and updated for the benefit of the petitioner and for applicable law enforcement, the current language does not account for the gap of time between the expiration of the protective order and the temporary extension of the order.

HB250 will amend Family Law Article Section 4-507(a)(4)(ii) by providing an automatic temporary extension of the protective order should the hearing on the motion to extend take place after the expiration of the original order. It also alleviates liability on the part of the Court or Court-affiliated personnel in the avoidance of the potential gap in time between the request for extension and the granting of temporary extension pending hearing on the motion. This serves Maryland's victims of domestic violence or abuse by granting peace of mind and safety for those seeking the extended relief. Additionally, it should be noted that this proposed amendment does not seek to amend the original language regarding the applicability and purpose for a temporary extension, as the provision is only exercised if the hearing on the motion is not held before the original expiration date of the final protective order, with said hearing to be held within 30 days after the motion is filed. Therefore, there is no delay of due process for either the petitioner or for the respondent.

For the reasons stated above, the Family and Juvenile Section of the MSBA **supports House Bill 250 and urges a favorable committee report.**

Should you have any questions, please contact Eleni C. vanRoden, Esquire by e-mail at eleni@vanrodenlaw.com or by telephone at (410) 838-9060.