



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 497
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 497.

House Bill 497

Length of Temporary Protective Orders and Financial Losses or Expenses

House Bill 497 would do two things in protective order proceedings. First, it would lengthen the time between a temporary order of protection hearing and the final protection order hearing. Second, it would add reimbursement for financial loss, incurred by the petitioner due to the respondent's acts, to the possible relief a court can grant in a final order of protection. The bill also clarifies that any financial award does not preclude future tort or other recovery.

Currently, in Maryland's civil protection order law, if a court grants a temporary order of protection (TPO) it must set the final protection order (FPO) hearing 7 days later. Under HB497, that time would be set at 14 days, bringing Maryland into current best practices elsewhere in the country (a chart is provided in testimony by the Maryland Network Against Domestic Violence). This is a very practical and important change for petitioners and reflects what often happens in court anyway – courts are routinely postponing cases a week (or more) after the initial hearing date to permit parties to seek counsel, negotiate settlements, effectuate service, or otherwise prepare for litigation.

At MCASA, attorneys at our legal services program, the Sexual Assault Legal Institute (SALI), and member agencies such as Heartly House, Life Crisis Center, and CASA of Washington County, confirm that often a petitioner is not able to connect with counsel until shortly before the hearing. This does not give the lawyers who do this work adequate time to prepare, gather evidence, and otherwise be ready for litigation. Similarly, respondents frequently need more time

prior to the final hearing. The current system imposes unnecessary financial costs and time for all involved. HB497 would ameliorate a current flaw in the system.

Second, HB497 would also add to the possible relief a court can order if it grants a final protective order by explicitly allowing an award for “ANY LOSSES OR EXPENSES INCURRED AS A DIRECT RESULT OF THE ABUSE”. While courts arguably have authority to award financial compensation now, they are consistently resistant to doing so. By adding this form of relief to our law, it will allow survivors to make repairs, buy a new phone, fix a lock, or pay other expenses that are directly caused by the respondent’s abuse. These expenses are often immediate and cannot wait for actions in tort or family law or small claims. HB497 preserves these options for future litigation while meeting the immediate needs of survivors.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 497**