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1997 Regular Session  
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**By: Delegate Taylor and Chairman, Judiciary Committee (Family Violence Council), and Delegates Dewberry, Hurson, Arnick, Busch, Curran, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, Hecht, Grosfeld, Montague, Preis, Love, Pendergrass, Conway, Cadden, Brinkley, Petzold, Nathan-Pulliam, Willis, McIntosh, Parker, Rosenberg, B. Hughes, Branch, Slade, Donoghue, Franchot, Edwards, Bobo, Eckardt, Stup, Watson, Mandel, Conroy, Fry, Hubbard, and Pitkin**

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 11, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

### 2 **Family Law - Protective Orders**

3 FOR the purpose of requiring that a respondent in a proceeding for relief from abuse be  
 4 served a copy of a protective order in open court or by first class mail; specifying  
 5 that certain persons be served by first class mail to the person's last known address  
 6 under certain circumstances; repealing a provision of law that requires a copy of a  
 7 protective order to be served on a respondent by certain law enforcement  
 8 personnel; providing that, under certain circumstances, service constitutes actual  
 9 notice to the respondent of the contents of the protective order; establishing that  
 10 service is complete upon mailing; modifying a certain provision of law to extend the  
 11 duration of protective orders; establishing that a subsequent circuit court order  
 12 pertaining to any of the provisions included in the protective order shall supersede  
 13 those provisions in the protective order; authorizing the court that issued a  
 14 protective order to extend the term of the protective order with regard to certain  
 15 types of relief under certain circumstances; requiring a temporary ex parte order to  
 16 include a certain notice to the respondent; defining a certain term; and generally  
 17 relating to protective orders.

18 BY renumbering

19 Article - Family Law

20 Section 4-501(j) and (k), respectively

21 to be Section 4-501(k) and (l), respectively

22 Annotated Code of Maryland

2

1 (1991 Replacement Volume and 1996 Supplement)

2 BY adding to

3 Article - Family Law

4 Section 4-501(j)

5 Annotated Code of Maryland

6 (1991 Replacement Volume and 1996 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Family Law

9 Section ~~4-506(f) and (g)~~ 4-506(b), (f), and (g) and 4-507(a)

10 Annotated Code of Maryland

11 (1991 Replacement Volume and 1996 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That Section(s) 4-501(j) and (k), respectively, of the Family Law Article  
14 of the Annotated Code of Maryland be renumbered to be Section(s) 4-501(k) and (l),  
15 respectively.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
17 read as follows:

18 **Article - Family Law**

19 4-501.

20 (J) "RESIDENCE" INCLUDES THE CURTILAGE YARD, GROUNDS,  
21 OUTBUILDINGS, AND COMMON AREAS SURROUNDING THE RESIDENCE.

22 4-506.

23 (b) (1) (I) The temporary ex parte order shall state the date and time of the  
24 protective order hearing.

25 [(2)] (II) Unless continued for good cause, the protective order hearing shall  
26 be held no later than 7 days after the temporary ex parte order is served on the  
27 respondent.

28 (2) THE TEMPORARY EX PARTE ORDER SHALL INCLUDE NOTICE TO  
29 THE RESPONDENT:

30 ~~(I) OF THE POSSIBLE CONSEQUENCES OF FAILURE TO APPEAR AT~~  
31 ~~THE PROTECTIVE ORDER HEARING, INCLUDING SERVICE OF A PROTECTIVE~~

32 (I) IN AT LEAST 10-POINT BOLD TYPE, THAT IF THE RESPONDENT  
33 FAILS TO APPEAR AT THE PROTECTIVE ORDER HEARING, THE RESPONDENT MAY BE  
34 SERVED BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS WITH  
35 THE PROTECTIVE ORDER AND ALL OTHER NOTICES CONCERNING THE PROTECTIVE  
36 ORDER;

37 (II) SPECIFYING ALL THE POSSIBLE FORMS OF RELIEF UNDER  
38 SUBSECTION (D) OF THIS SECTION THAT THE PROTECTIVE ORDER MAY CONTAIN;

1 (III) THAT THE PROTECTIVE ORDER SHALL BE EFFECTIVE FOR THE  
 2 PERIOD STATED IN THE ORDER, NOT TO EXCEED 18 MONTHS, UNLESS THE COURT  
 3 EXTENDS THE TERM OF THE ORDER, UNDER § 4-507(A)(2) OF THIS SUBTITLE, AS TO  
 4 THE TYPES OF RELIEF DESCRIBED IN SUBSECTION (D)(1) THROUGH (7) OF THIS  
 5 SECTION; ORDER BY FIRST CLASS MAIL; AND

6 ~~(H)~~ (IV) IN AT LEAST 10-POINT BOLD TYPE, THAT THE  
 7 RESPONDENT MUST NOTIFY THE COURT IN WRITING OF ANY CHANGE OF ADDRESS.

8 (f) (1) A copy of the protective order shall be served on the petitioner, THE  
 9 RESPONDENT, any affected person eligible for relief, the appropriate law enforcement  
 10 agency, and any other person the court determines is appropriate, in open court or, IF  
 11 THE PERSON IS NOT PRESENT AT THE PROTECTIVE ORDER HEARING, by first class  
 12 mail TO THE PERSON'S LAST KNOWN ADDRESS.

13 [(2) (i) A copy of the protective order shall be served on the respondent in  
 14 open court or by a law enforcement officer, constable, or sheriff.

15 (ii) A copy of the protective order shall also be sent to the last known  
 16 address of the respondent by first class mail.

17 (3) If the respondent is served by a law enforcement officer, constable, or  
 18 sheriff, a return of service shall be filed with the court.]

19 (2) A COPY OF THE PROTECTIVE ORDER SERVED ON THE RESPONDENT  
 20 IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION CONSTITUTES ACTUAL  
 21 NOTICE TO THE RESPONDENT OF THE CONTENTS OF THE PROTECTIVE ORDER.  
 22 SERVICE IS COMPLETE UPON MAILING.

23 (g) ~~AN~~ (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
 24 ALL relief granted in a protective order shall be effective for the period stated in the  
 25 order, not to exceed [200 days] 18 MONTHS.

26 (2) A SUBSEQUENT CIRCUIT COURT ORDER PERTAINING TO ANY OF  
 27 THE PROVISIONS INCLUDED IN THE PROTECTIVE ORDER SHALL SUPERSEDE THOSE  
 28 PROVISIONS IN THE PROTECTIVE ORDER.

29 4-507.

30 (a) (1) The court that issued the protective order may modify or rescind the  
 31 protective order during the term of the protective order after:

32 (i) giving notice to all affected persons eligible for relief and the  
 33 respondent; and

34 (ii) a hearing.

35 (2) ~~The~~ FOR GOOD CAUSE SHOWN, THE court THAT ISSUED A  
 36 PROTECTIVE ORDER may [not] extend the TERM OF THE protective order ONLY WITH  
 37 REGARD TO ANY RELIEF DESCRIBED IN § 4-506(D)(1) THROUGH (7) OF THIS SUBTITLE  
 38 beyond the period specified in § 4-506 of this subtitle, AFTER:

39 (I) GIVING NOTICE TO ALL AFFECTED PERSONS ELIGIBLE FOR  
 40 RELIEF AND THE RESPONDENT; AND

4

1                   (II) A HEARING.

2                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3   October 1, 1997.