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By: **Delegates Workman and Hecht**  
Introduced and read first time: February 13, 1998  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Protective Orders - Petitioner Assistance**

3 FOR the purpose of requiring the court to allow a petitioner to have a trained victim  
4 advocate to assist the petitioner in a protective order hearing; and generally  
5 relating to protective orders.

6 BY repealing and reenacting, with amendments,  
7 Article - Family Law  
8 Section 4-506(c)  
9 Annotated Code of Maryland  
10 (1991 Replacement Volume and 1997 Supplement)

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

13 **Article - Family Law**

14 4-506.

15 (c) (1) If the respondent appears for the protective order hearing, has been  
16 served with the temporary ex parte order, or the court otherwise has personal  
17 jurisdiction over the respondent, the court:

18 (i) may proceed with the protective order hearing; and

19 (ii) if the court finds by clear and convincing evidence that the  
20 alleged abuse has occurred, or if the respondent consents to the entry of a protective  
21 order, the court may grant a protective order to protect any person eligible for relief  
22 from abuse.

23 (2) A protective order may be issued only to a person who has filed a  
24 petition under § 4-504 of this subtitle.

25 (3) THE COURT SHALL ALLOW A PETITIONER TO HAVE A TRAINED  
26 VICTIM ADVOCATE TO ASSIST THE PETITIONER DURING A PROTECTIVE ORDER  
27 HEARING.

1                   (4)     (i)     Subject to the provisions of subparagraph (ii) of this paragraph,  
2 in cases where both parties file a petition under § 4-504 of this subtitle, the court  
3 may issue mutual protective orders if the court finds by clear and convincing evidence  
4 that mutual abuse has occurred.

5                                 (ii)     The court may issue mutual protective orders only if the court  
6 makes a detailed finding of fact that:

- 7   1.     both parties acted primarily as aggressors; and  
8   2.     neither party acted primarily in self-defense.

9     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1998.