
By: **Senator Ferguson (By Request)**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Temporary Ex Parte Orders**

3 FOR the purpose of authorizing a respondent in a proceeding for relief from abuse to
4 request assistance of a local law enforcement agency if the court has entered a
5 temporary ex parte order ordering the respondent to vacate the family home;
6 requiring a local law enforcement agency responding to a request for assistance
7 to accompany the respondent to the family home so that the respondent may
8 remove certain items and attend to livestock needing attention; granting
9 immunity from civil liability under certain circumstances to a law enforcement
10 officer responding to a request for assistance; prohibiting a person awarded
11 custody of a minor child under a temporary ex parte order from taking a certain
12 action without the written approval of the respondent; and generally relating to
13 certain temporary ex parte orders.

14 BY repealing and reenacting, with amendments,
15 Article 27 - Crimes and Punishments
16 Section 798
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Courts and Judicial Proceedings
21 Section 5-610
22 Annotated Code of Maryland
23 (1995 Replacement Volume and 1997 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Family Law
26 Section 4-505
27 Annotated Code of Maryland
28 (1991 Replacement Volume and 1997 Supplement)

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

3 **Article 27 - Crimes and Punishments**

4 798.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) "Abuse" has the meaning stated in § 4-501 of the Family Law Article.

7 (3) "RESPONDENT" HAS THE MEANING STATED IN § 4-501 OF THE
8 FAMILY LAW ARTICLE.

9 [(3)] (4) "Victim" includes a "person eligible for relief" as described in
10 § 4-501 of the Family Law Article.

11 (b) (1) Any person who alleges to have been a victim of abuse and who
12 believes there is a danger of serious and immediate injury to himself or herself may
13 request the assistance of a local law enforcement agency.

14 (2) A local law enforcement officer responding to the request for
15 assistance shall:

16 (i) Protect the complainant from harm when responding to the
17 request; and

18 (ii) Accompany the complainant to the family home so that the
19 complainant may remove the following items, regardless of who paid for the items:

20 1. The personal clothing of the complainant and of any child
21 in the care of the complainant; and

22 2. The personal effects, including any medicine or medical
23 devices, of the complainant and of any child in the care of the complainant that are
24 required for the immediate needs of the complainant or the child.

25 (C) (1) IF THE COURT HAS ENTERED A TEMPORARY EX PARTE ORDER
26 UNDER § 4-505(A)(2)(IV) OF THE FAMILY LAW ARTICLE ORDERING THE RESPONDENT
27 TO VACATE THE FAMILY HOME, THE RESPONDENT MAY REQUEST THE ASSISTANCE
28 OF A LOCAL LAW ENFORCEMENT AGENCY.

29 (2) A LOCAL LAW ENFORCEMENT OFFICER RESPONDING TO THE
30 REQUEST FOR ASSISTANCE SHALL ACCOMPANY THE RESPONDENT TO THE FAMILY
31 HOME SO THAT THE RESPONDENT MAY:

32 (I) REMOVE THE FOLLOWING ITEMS, REGARDLESS OF WHO PAID
33 FOR THE ITEMS:

34 1. THE PERSONAL CLOTHING OF THE RESPONDENT;

1 home or the person eligible for relief has resided in the home with the respondent for
2 a period of at least 90 days within 1 year before the filing of the petition;

3 (v) order the respondent to remain away from the place of
4 employment, school, or temporary residence of a person eligible for relief or home of
5 other family members; and

6 (vi) award temporary custody of a minor child of the person eligible
7 for relief and the respondent.

8 (b) (1) A law enforcement officer immediately shall serve the temporary ex
9 parte order on the alleged abuser under this section.

10 (2) There shall be no cost to the petitioner for service of the temporary ex
11 parte order.

12 (c) (1) The temporary ex parte order shall be effective for not more than 7
13 days after service of the order.

14 (2) The court may extend the temporary ex parte order as needed, but
15 not to exceed 30 days, to effectuate service of the order where necessary to provide
16 protection or for other good cause.

17 (D) IF THE COURT ENTERS A TEMPORARY EX PARTE ORDER AWARDING
18 CUSTODY OF A MINOR CHILD UNDER SUBSECTION (A)(2)(VI) OF THIS SECTION, THE
19 PERSON AWARDED CUSTODY MAY NOT MOVE OUT OF STATE WITHOUT THE WRITTEN
20 APPROVAL OF THE RESPONDENT.

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