

---

By: **Delegates Menes, Grosfeld, Hecht, Moe, Montague, and Vallario**  
Introduced and read first time: February 12, 1999  
Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Domestic Violence - Relief**

3 FOR the purpose of authorizing a court to include in a temporary ex parte order or  
4 protective order a provision ordering the respondent to remain away from the  
5 place of any person providing child care to a minor child of a person eligible for  
6 relief from abuse; providing for the application of this Act; and generally  
7 relating to the authority of a court to order certain relief in a temporary ex parte  
8 order or protective order.

9 BY repealing and reenacting, with amendments,  
10 Article - Family Law  
11 Section 4-505(a)(2) and 4-506(d)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume)

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

16 **Article - Family Law**

17 4-505.

18 (a) (2) The temporary ex parte order may order any or all of the following  
19 relief:

20 (i) order the respondent to refrain from further abuse or threats of  
21 abuse of a person eligible for relief;

22 (ii) order the respondent to refrain from contacting, attempting to  
23 contact, or harassing any person eligible for relief;

24 (iii) order the respondent to refrain from entering the residence of a  
25 person eligible for relief;

26 (iv) where the person eligible for relief and the respondent are  
27 residing together at the time of the alleged abuse, order the respondent to vacate the

1 home immediately and award temporary use and possession of the home to the person  
2 eligible for relief or in the case of alleged abuse of a child or alleged abuse of a  
3 vulnerable adult, award temporary use and possession of the home to an adult living  
4 in the home, provided that the court may not grant an order to vacate and award  
5 temporary use and possession of the home to a nonspouse person eligible for relief  
6 unless the name of the person eligible for relief appears on the lease or deed to the  
7 home or the person eligible for relief has resided in the home with the respondent for  
8 a period of at least 90 days within 1 year before the filing of the petition;

9 (v) order the respondent to remain away from the place of  
10 employment, school, or temporary residence of a person eligible for relief or home of  
11 other family members; [and]

12 (vi) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE PLACE  
13 OF ANY PERSON PROVIDING CHILD CARE TO A MINOR CHILD OF A PERSON ELIGIBLE  
14 FOR RELIEF; AND

15 (VII) award temporary custody of a minor child of the person eligible  
16 for relief and the respondent.

17 4-506.

18 (d) The protective order may include any or all of the following relief:

19 (1) order the respondent to refrain from abusing or threatening to abuse  
20 any person eligible for relief;

21 (2) order the respondent to refrain from contacting, attempting to  
22 contact, or harassing any person eligible for relief;

23 (3) order the respondent to refrain from entering the residence of any  
24 person eligible for relief;

25 (4) where the person eligible for relief and the respondent are residing  
26 together at the time of the abuse, order the respondent to vacate the home  
27 immediately and award temporary use and possession of the home to the person  
28 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a  
29 vulnerable adult, award temporary use and possession of the home to an adult living  
30 in the home, provided that the court may not grant an order to vacate and award  
31 temporary use and possession of the home to a nonspouse person eligible for relief  
32 unless the name of the person eligible for relief appears on the lease or deed to the  
33 home or the person eligible for relief has shared the home with the respondent for a  
34 period of at least 90 days within 1 year before the filing of the petition;

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

1           (6)     ORDER THE RESPONDENT TO REMAIN AWAY FROM THE PLACE OF  
2 ANY PERSON PROVIDING CHILD CARE TO A MINOR CHILD OF A PERSON ELIGIBLE  
3 FOR RELIEF;

4           [(6)]   (7)     award temporary custody of a minor child of the respondent and  
5 a person eligible for relief;

6           [(7)]   (8)     establish temporary visitation with a minor child of the  
7 respondent and a person eligible for relief on a basis which gives primary  
8 consideration to the welfare of the minor child and the safety of any other person  
9 eligible for relief. If the court finds that the safety of a person eligible for relief will be  
10 jeopardized by unsupervised or unrestricted visitation, the court shall condition or  
11 restrict visitation as to time, place, duration, or supervision, or deny visitation  
12 entirely, as needed to guard the safety of any person eligible for relief;

13          [(8)]   (9)     award emergency family maintenance as necessary to support  
14 any person eligible for relief to whom the respondent has a duty of support under this  
15 article, including an immediate and continuing withholding order on all earnings of  
16 the respondent in the amount of the ordered emergency family maintenance in  
17 accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

18          [(9)]   (10)    award temporary use and possession of a vehicle jointly owned  
19 by the respondent and a person eligible for relief to the person eligible for relief if  
20 necessary for the employment of the person eligible for relief or for the care of a minor  
21 child of the respondent or a person eligible for relief;

22          [(10)]  (11)    direct the respondent or any or all of the persons eligible for  
23 relief to participate in professionally supervised counseling or a domestic violence  
24 program;

25          [(11)]  (12)    order the respondent to surrender to law enforcement  
26 authorities any firearm in the respondent's possession for the duration of the  
27 protective order; or

28          [(12)]  (13)    order the respondent to pay filing fees and costs of a  
29 proceeding under this subtitle.

30     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only  
31 to cases in which the petition for relief from abuse described in § 4-504 of the Family  
32 Law Article is filed on or after the effective date of this Act.

33     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 1999.