
By: **Delegates Menes, Grosfeld, Hecht, Moe, Montague, and Vallario**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 1999

CHAPTER _____

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 a child care provider to a minor child~~ of a person
6 eligible for relief from abuse while a child of the person is in the care of the child
7 care provider; defining a certain term; providing for the application of this Act;
8 and generally relating to the authority of a court to order certain relief in a
9 temporary ex parte order or protective order.

10 BY repealing and reenacting, without amendments,

11 Article - Family Law

12 Section 1-101(a) and (d) and 4-501(a)

13 Annotated Code of Maryland

14 (1999 Replacement Volume)

15 BY renumbering

16 Article - Family Law

17 Section 4-501(c), (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively

18 to be Section 4-501(d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), respectively

19 Annotated Code of Maryland

20 (1999 Replacement Volume)

21 BY adding to

22 Article - Family Law

23 Section 4-501(c)

1 Annotated Code of Maryland
2 (1999 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article - Family Law
5 Section 4-505(a)(2) and 4-506(d)
6 Annotated Code of Maryland
7 (1999 Replacement Volume)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That ~~the Laws of Maryland read as follows:~~ Section(s) 4-501(c), (d), (e),
10 (f), (g), (h), (i), (j), (k), and (l), respectively, of Article - Family Law of the Annotated
11 Code of Maryland be renumbered to be Section(s) 4-501(d), (e), (f), (g), (h), (i), (j), (k),
12 (l), and (m), respectively.

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

15 **Article - Family Law**

16 1-101.

17 (a) In this article the following words have the meanings indicated.

18 (d) "Person" means an individual, receiver, trustee, guardian, personal
19 representative, fiduciary, or representative of any kind and any partnership, firm,
20 association, corporation, or other entity.

21 4-501.

22 (a) In this subtitle the following words have the meanings indicated.

23 (C) "CHILD CARE PROVIDER" MEANS A PERSON THAT PROVIDES SUPERVISION
24 AND CARE FOR A MINOR CHILD.

25 4-505.

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

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

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

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

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

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

14 (vi) ORDER THE RESPONDENT TO REMAIN AWAY FROM ~~THE PLACE~~
 15 ~~OF ANY PERSON PROVIDING A CHILD CARE PROVIDER TO A MINOR CHILD OF A~~
 16 ~~PERSON ELIGIBLE FOR RELIEF WHILE A CHILD OF THE PERSON IS IN THE CARE OF~~
 17 THE CHILD CARE PROVIDER; AND

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

20 4-506.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 SECTION ~~2~~. 3. AND BE IT FURTHER ENACTED, That this Act shall apply
32 only to cases in which the petition for relief from abuse described in § 4-504 of the
33 Family Law Article is filed on or after the effective date of this Act.

34 SECTION ~~3~~. 4. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 1999.

