

SENATE BILL 146

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1999 Regular Session
9r0989
CF 9r1543

By: **Senators Kelley, Baker, Hughes, Mitchell, Forehand, Jimeno, Colburn,
Green, Roesser, Lawlah, Stone, Hoffman, Ferguson, and Haines**

Introduced and read first time: January 27, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Domestic Violence - Dating Relationship**

3 FOR the purpose of providing that certain persons in a dating relationship are eligible
4 for relief through a civil protective order and may file a petition for relief from
5 abuse; defining a certain term; and generally relating to domestic violence.

6 BY repealing and reenacting, with amendments,
7 Article - Family Law
8 Section 4-501
9 Annotated Code of Maryland
10 (1999 Replacement Volume)

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 4-501.

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

16 (b) (1) "Abuse" means any of the following acts:

17 (i) an act that causes serious bodily harm;

18 (ii) an act that places a person eligible for relief in fear of imminent
19 serious bodily harm;

20 (iii) assault in any degree;

21 (iv) rape or sexual offense as defined by Article 27, §§ 462 through
22 464C of the Code or attempted rape or sexual offense in any degree; or

23 (v) false imprisonment.

1 (2) If the person for whom relief is sought is a child, "abuse" may also
2 include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this
3 subtitle shall be construed to prohibit reasonable punishment, including reasonable
4 corporal punishment, in light of the age and condition of the child, from being
5 performed by a parent or stepparent of the child.

6 (3) If the person for whom relief is sought is a vulnerable adult, "abuse"
7 may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this
8 article.

9 (c) "Cohabitant" means a person who has had a sexual relationship with the
10 respondent and resided with the respondent in the home for a period of at least 90
11 days within 1 year before the filing of the petition.

12 (d) "Court" means the District Court or a circuit court in this State.

13 (e) "DATING RELATIONSHIP" MEANS A SOCIAL RELATIONSHIP OF A
14 ROMANTIC NATURE WHICH MAY OR MAY NOT BE A SEXUAL RELATIONSHIP.

15 (F) "Emergency family maintenance" means a monetary award given to or for
16 a person eligible for relief to whom the respondent has a duty of support under this
17 article based on:

18 (1) the financial needs of the person eligible for relief; and

19 (2) the resources available to the person eligible for relief and the
20 respondent.

21 [(f)] (G) "Home" means the property in this State that:

22 (1) is the principal residence of a person eligible for relief; and

23 (2) is owned, rented, or leased by the person eligible for relief or
24 respondent or, in a petition alleging child abuse or abuse of a vulnerable adult, an
25 adult living in the home at the time of a proceeding under this subtitle.

26 [(g)] (H) "Local department" means the local department of social services
27 that has jurisdiction in the county:

28 (1) where the home is located; or

29 (2) if different, where the abuse is alleged to have taken place.

30 [(h)] (I) "Person eligible for relief" includes:

31 (1) the current or former spouse of the respondent;

32 (2) a cohabitant of the respondent;

33 (3) a person related to the respondent by blood, marriage, or adoption;

1 (4) a parent, stepparent, child, or stepchild of the respondent or the
2 person eligible for relief who resides or resided with the respondent or person eligible
3 for relief for at least 90 days within 1 year before the filing of the petition;

4 (5) a vulnerable adult; [or]

5 (6) an individual who has a child in common with the respondent; OR

6 (7) A PERSON WHOM THE COURT DETERMINES IS IN A DATING
7 RELATIONSHIP WITH THE RESPONDENT OR WHO HAS HAD A DATING RELATIONSHIP
8 WITH THE RESPONDENT, AFTER CONSIDERATION OF THE FOLLOWING FACTORS:

9 (I) THE LENGTH OF THE RELATIONSHIP;

10 (II) THE NATURE OF THE RELATIONSHIP; OR

11 (III) THE FREQUENCY OF INTERACTION.

12 [(i)] (J) (1) "Petitioner" means an individual who files a petition.

13 (2) "Petitioner" includes:

14 (i) a person eligible for relief; or

15 (ii) the following persons who may seek relief from abuse on behalf
16 of a minor or vulnerable adult:

17 1. the State's Attorney for the county where the child or
18 vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

19 2. the department of social services that has jurisdiction in
20 the county where the child or vulnerable adult lives, or, if different, where the abuse
21 is alleged to have taken place;

22 3. a person related to the child or vulnerable adult by blood,
23 marriage, or adoption; or

24 4. an adult who resides in the home.

25 [(j)] (K) "Residence" includes the yard, grounds, outbuildings, and common
26 areas surrounding the residence.

27 [(k)] (L) "Respondent" means the person alleged in the petition to have
28 committed the abuse.

29 [(l)] (M) "Vulnerable adult" has the meaning provided in § 14-101(q) of this
30 article.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1999.