
By: **Chairman, Judiciary Committee (Maryland Judicial Conference)**

Introduced and read first time: February 8, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Interim Domestic Violence Orders and Interim Peace Orders - Issuance by**
3 **District Court Commissioners**

4 FOR the purpose of implementing the Constitutional amendment expanding the
5 authority of District Court commissioners to include the issuance of interim
6 orders for protection pending hearings on domestic violence and peace order
7 petitions; defining the scope of the authority of District Court commissioners to
8 issue interim orders; authorizing a petitioner for a domestic violence order or
9 peace order to file a petition with a District Court commissioner under certain
10 circumstances; establishing that a petitioner for a domestic violence order may
11 not be required to pay a filing fee or costs for the issuance or service of an
12 interim order issued by a District Court commissioner; specifying the types of
13 relief that may be granted in an interim domestic violence order or interim
14 peace order; requiring interim orders to contain certain statements; requiring a
15 temporary order hearing to be held within a certain time period after issuance of
16 an interim order except under certain circumstances; providing for the service
17 and return of service of interim orders; providing for the transfer of case files
18 from District Court commissioners to courts; requiring a law enforcement officer
19 to take certain actions on receipt of a petition and interim order; establishing
20 that an interim order is effective for a certain period of time; establishing that a
21 decision of a District Court commissioner to grant or deny interim relief is not
22 binding on and does not affect any power or duty of a judge; eliminating the
23 requirement that a hearing on a petition for a temporary domestic violence
24 order or a temporary peace order be ex parte; authorizing a court to proceed with
25 a protective order hearing or peace order hearing under certain circumstances;
26 making a violation of an interim domestic violence order or interim peace order
27 a crime subject to certain penalties; requiring a law enforcement officer to arrest
28 with or without a warrant an individual who violates an interim domestic
29 violence order or interim peace order under certain circumstances; clarifying
30 language; defining certain terms; and generally relating to interim domestic
31 violence orders and interim peace orders.

32 BY renumbering

33 Article - Courts and Judicial Proceedings

34 Section 2-607(d) and 3-1501(c), (d), and (e), respectively

1 to be Section 2-607(c)(5) and 3-1501(d), (e), and (f), respectively
2 Annotated Code of Maryland
3 (1998 Replacement Volume and 2000 Supplement)

4 BY renumbering
5 Article - Family Law
6 Section 4-501 (h), (i), (j), (k), (l), and (m), respectively
7 to be Section 4-501 (i), (j), (k), (l), (m), and (n), respectively
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2000 Supplement)

10 BY adding to
11 Article - Courts and Judicial Proceedings
12 Section 2-607(d), 3-1501(c), and 3-1503.1
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-1503 (a) and (c), 3-1504(a)(1), 3-1505(c)(1), and 3-1508
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2000 Supplement)

20 BY adding to
21 Article - Family Law
22 Section 4-501(h) and 4-504.1
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2000 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Family Law
27 Section 4-504, 4-505, 4-506(b) and (c)(1), and 4-509
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2000 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
31 MARYLAND, That Section(s) 2-607(d) and 3-1501(c), (d), and (e), respectively, of
32 Article - Courts and Judicial Proceedings of the Annotated Code of Maryland be
33 renumbered to be Section(s) 2-607(c)(5) and 3-1501(d), (e), and (f), respectively.

34 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-501(h), (i),
35 (j), (k), (l), and (m), respectively, of Article - Family Law of the Annotated Code of
36 Maryland be renumbered to be Section(s) 4-501(i), (j), (k), (l), (m), and (n),
37 respectively.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Courts and Judicial Proceedings**

4 2-607.

5 (D) (1) THE AUTHORITY UNDER THIS SUBSECTION APPLIES ONLY TO A
6 RESPONDENT WHO IS AN ADULT AT THE TIME OF THE ALLEGED COMMISSION OF AN
7 ACT SPECIFIED IN § 4-501(B) OF THE FAMILY LAW ARTICLE OR § 3-1503(A) OF THIS
8 ARTICLE.

9 (2) A COMMISSIONER MAY ISSUE AN INTERIM ORDER FOR PROTECTION
10 OF A PERSON ELIGIBLE FOR RELIEF IN ACCORDANCE WITH § 4-504.1 OF THE FAMILY
11 LAW ARTICLE OR A PETITIONER IN ACCORDANCE WITH § 3-1503.1 OF THIS ARTICLE.

12 3-1501.

13 (C) "INTERIM PEACE ORDER" MEANS AN ORDER THAT A DISTRICT COURT
14 COMMISSIONER ISSUES UNDER THIS SUBTITLE PENDING A HEARING BY A JUDGE ON
15 A PETITION.

16 3-1503.

17 (a) A petitioner may seek relief under this subtitle by filing with the court, OR
18 WITH A DISTRICT COURT COMMISSIONER UNDER THE CIRCUMSTANCES SPECIFIED
19 IN § 3-1503.1(A) OF THIS SUBTITLE, a petition that alleges the commission of any of the
20 following acts against the petitioner by the respondent, if the act occurred within 30
21 days before the filing of the petition:

22 (1) An act that causes serious bodily harm;

23 (2) An act that places the petitioner in fear of imminent serious bodily
24 harm;

25 (3) Assault in any degree;

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

28 (5) False imprisonment;

29 (6) Harassment, as described in Article 27, § 123 of the Code;

30 (7) Stalking, as described in Article 27, § 124 of the Code;

31 (8) Trespass, as described in the trespass subheading of Article 27 of the
32 Code; or

33 (9) Malicious destruction of property, as described in Article 27, § 111 of
34 the Code.

1 (c) In a proceeding under [§ 3-1504 or § 3-1505 of] this subtitle, if the
2 petitioner alleges, and the DISTRICT COURT COMMISSIONER OR court finds, that the
3 disclosure of the address of the petitioner would risk further harm to the petitioner,
4 that address may be stricken from the petition and omitted from all other documents
5 filed with the COMMISSIONER OR FILED WITH, OR TRANSFERRED TO, A court.

6 3-1503.1.

7 (A) A PETITION MAY BE FILED WITH A DISTRICT COURT COMMISSIONER IF
8 THE OFFICE OF THE DISTRICT COURT CLERK IS NOT OPEN FOR BUSINESS.

9 (B) IF A PETITION IS FILED WITH A DISTRICT COURT COMMISSIONER AND THE
10 COMMISSIONER FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT
11 THE RESPONDENT HAS COMMITTED, AND IS LIKELY TO COMMIT IN THE FUTURE, AN
12 ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER, THE
13 COMMISSIONER MAY ISSUE AN INTERIM PEACE ORDER TO PROTECT THE
14 PETITIONER.

15 (C) AN INTERIM PEACE ORDER:

16 (1) SHALL CONTAIN ONLY THE RELIEF THAT IS MINIMALLY NECESSARY
17 TO PROTECT THE PETITIONER; AND

18 (2) MAY ORDER THE RESPONDENT TO:

19 (I) REFRAIN FROM COMMITTING OR THREATENING TO COMMIT AN
20 ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER;

21 (II) REFRAIN FROM CONTACTING, ATTEMPTING TO CONTACT, OR
22 HARASSING THE PETITIONER;

23 (III) REFRAIN FROM ENTERING THE RESIDENCE OF THE
24 PETITIONER; AND

25 (IV) REMAIN AWAY FROM THE PLACE OF EMPLOYMENT, SCHOOL,
26 OR TEMPORARY RESIDENCE OF THE PETITIONER.

27 (D) (1) (I) AN INTERIM PEACE ORDER SHALL STATE THE DATE, TIME, AND
28 LOCATION FOR THE TEMPORARY PEACE ORDER HEARING.

29 (II) A TEMPORARY PEACE ORDER HEARING SHALL BE HELD ON THE
30 FIRST OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING AFTER
31 ISSUANCE OF THE INTERIM PEACE ORDER, UNLESS THE COURT CONTINUES THE
32 HEARING FOR GOOD CAUSE.

33 (2) AN INTERIM PEACE ORDER SHALL INCLUDE IN AT LEAST 10 POINT
34 BOLD TYPE:

35 (I) NOTICE TO THE RESPONDENT THAT:

1 1. THE RESPONDENT MUST NOTIFY THE COURT IN WRITING
2 OF ANY CHANGE OF ADDRESS; AND

3 2. IF THE RESPONDENT FAILS TO APPEAR AT THE
4 TEMPORARY PEACE ORDER HEARING OR ANY LATER HEARING, THE RESPONDENT
5 MAY BE SERVED WITH A TEMPORARY PEACE ORDER OR ANY OTHER ORDERS OR
6 NOTICES IN THE CASE BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN
7 ADDRESS;

8 (II) A STATEMENT OF ALL POSSIBLE FORMS AND DURATION OF
9 RELIEF THAT A TEMPORARY PEACE ORDER OR PEACE ORDER MAY CONTAIN;

10 (III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE
11 HEARING, A JUDGE MAY ISSUE A TEMPORARY PEACE ORDER THAT GRANTS ANY OR
12 ALL OF THE RELIEF REQUESTED IN THE PETITION OR MAY DENY THE PETITION,
13 WHETHER OR NOT THE RESPONDENT IS IN COURT; AND

14 (IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN
15 INTERIM PEACE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER SHALL
16 ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE
17 RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE
18 THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THE INTERIM PEACE
19 ORDER.

20 (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM PEACE ORDER, THE
21 COMMISSIONER SHALL:

22 (1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM
23 PEACE ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR SERVICE ON
24 THE RESPONDENT; AND

25 (2) BEFORE THE HEARING SCHEDULED IN THE INTERIM PEACE ORDER,
26 TRANSFER THE CASE FILE AND THE RETURN OF SERVICE, IF ANY, TO THE OFFICE OF
27 THE DISTRICT COURT CLERK.

28 (F) A LAW ENFORCEMENT OFFICER SHALL:

29 (1) IMMEDIATELY ON RECEIPT OF A PETITION AND INTERIM PEACE
30 ORDER, SERVE THEM ON THE RESPONDENT NAMED IN THE ORDER; AND

31 (2) IMMEDIATELY AFTER SERVICE, MAKE A RETURN OF SERVICE TO THE
32 ISSUING COMMISSIONER OR, IF THE OFFICE OF THE DISTRICT COURT CLERK IS OPEN
33 FOR BUSINESS, TO THE CLERK.

34 (G) AN INTERIM PEACE ORDER SHALL BE EFFECTIVE UNTIL ISSUANCE OR
35 DENIAL OF A TEMPORARY PEACE ORDER UNDER § 3-1504 OF THIS SUBTITLE.

36 (H) A DECISION OF A COMMISSIONER TO GRANT OR DENY RELIEF UNDER THIS
37 SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY POWER GRANTED TO OR
38 DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE DISTRICT COURT UNDER

1 ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A PETITION FOR A
2 TEMPORARY PEACE ORDER OR PEACE ORDER.

3 3-1504.

4 (a) (1) If, AFTER A HEARING ON a petition [is filed under § 3-1503 of this
5 subtitle and the], WHETHER EX PARTE OR OTHERWISE, A court finds that there are
6 reasonable grounds to believe that the respondent has committed, and is likely to
7 commit in the future, an act specified in § 3-1503(a) of this subtitle against the
8 petitioner, the court[, in an ex parte proceeding,] may issue a temporary peace order
9 to protect the petitioner.

10 3-1505.

11 (c) (1) If the respondent appears for the TEMPORARY PEACE ORDER OR
12 peace order hearing[,] OR has been served with [the] AN INTERIM PEACE ORDER, IF
13 ANY, AND A temporary peace order, or the court otherwise has personal jurisdiction
14 over the respondent, the court:

15 (i) May proceed with the peace order hearing; and

16 (ii) If the court finds by clear and convincing evidence that the
17 respondent has committed, and is likely to commit in the future, an act specified in §
18 3-1503(a) of this subtitle against the petitioner, or if the respondent consents to the
19 entry of a peace order, the court may issue a peace order to protect the petitioner.

20 3-1508.

21 (a) An individual who fails to comply with the relief granted in AN INTERIM
22 PEACE ORDER UNDER § 3-1503.1 OF THIS SUBTITLE, a temporary peace order under §
23 3-1504(a)(2) of this [subtitle] SUBTITLE, or [in] a peace order under §
24 3-1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on
25 conviction is subject, for each offense, to a fine not exceeding \$1,000 or imprisonment
26 not exceeding 90 days or both.

27 (b) A law enforcement officer shall arrest with or without a warrant and take
28 into custody an individual whom the officer has probable cause to believe is in
29 violation of [a] AN INTERIM PEACE ORDER, temporary peace [order] ORDER, or peace
30 order in effect at the time of the violation.

31 **Article - Family Law**

32 4-501.

33 (H) "INTERIM ORDER" MEANS AN ORDER THAT A DISTRICT COURT
34 COMMISSIONER ISSUES UNDER THIS SUBTITLE PENDING A HEARING BY A JUDGE ON
35 A PETITION.

1 4-504.

2 (a) A petitioner may seek relief from abuse by filing with a court, OR WITH A
3 DISTRICT COURT COMMISSIONER UNDER THE CIRCUMSTANCES SPECIFIED IN §
4 4-504.1(A) OF THIS SUBTITLE, a petition that alleges abuse of any person eligible for
5 relief by the respondent.

6 (b) (1) The petition shall:

7 (i) be under oath; and

8 (ii) include any information known to the petitioner of:

9 1. the nature and extent of the abuse for which the relief is
10 being sought, including information known to the petitioner concerning previous
11 injury resulting from abuse by the respondent;

12 2. each previous action between the parties in any court;

13 3. each pending action between the parties in any court;

14 4. the whereabouts of the respondent, if known;

15 5. if financial relief is requested, information known to the
16 petitioner regarding the financial resources of the respondent; and

17 6. in a case of alleged child abuse or alleged abuse of a
18 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
19 information relating to the abuse of the child or vulnerable adult.

20 (2) If the petition states that disclosure of the address of a person eligible
21 for relief would risk further abuse of a person eligible for relief, or reveal the
22 confidential address of a shelter for domestic violence victims, that address may be
23 omitted from all documents filed with [the] A COMMISSIONER OR FILED WITH, OR
24 TRANSFERRED TO, A court. If disclosure is necessary to determine jurisdiction or
25 consider any venue issue, it shall be made orally and in camera and may not be
26 disclosed to the respondent.

27 (c) The petitioner may not be required to pay a filing fee or costs for the
28 issuance or service of:

29 (1) AN INTERIM ORDER;

30 [(1)] (2) a temporary [ex parte] order;

31 [(2)] (3) a protective order; or

32 [(3)] (4) a witness subpoena.

33 [(d) (1) When the court finds reasonable grounds to believe that abuse of a
34 child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as

1 defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward a
2 copy of the petition and the ex parte order to the local department.

3 (2) When the local department receives the petition and the ex parte
4 order from the court, the local department shall:

5 (i) 1. investigate the alleged abuse as provided in Title 5,
6 Subtitle 7 of this article; or

7 2. investigate the alleged abuse as provided in Title 14,
8 Subtitle 3 of this article; and

9 (ii) forward a copy of the report of the investigation to the court by
10 the date of the protective order hearing.]

11 4-504.1.

12 (A) A PETITION MAY BE FILED WITH A DISTRICT COURT COMMISSIONER IF
13 NEITHER THE OFFICE OF THE CLERK OF THE CIRCUIT COURT NOR THE OFFICE OF
14 THE DISTRICT COURT CLERK IS OPEN FOR BUSINESS.

15 (B) IF A PETITION IS FILED WITH A DISTRICT COURT COMMISSIONER AND THE
16 COMMISSIONER FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT
17 THE RESPONDENT HAS ABUSED A PERSON ELIGIBLE FOR RELIEF, THE
18 COMMISSIONER MAY ISSUE AN INTERIM ORDER TO PROTECT A PERSON ELIGIBLE
19 FOR RELIEF.

20 (C) AN INTERIM ORDER MAY:

21 (1) ORDER THE RESPONDENT TO REFRAIN FROM FURTHER ABUSE OR
22 THREATS OF ABUSE OF A PERSON ELIGIBLE FOR RELIEF;

23 (2) ORDER THE RESPONDENT TO REFRAIN FROM CONTACTING,
24 ATTEMPTING TO CONTACT, OR HARASSING A PERSON ELIGIBLE FOR RELIEF;

25 (3) ORDER THE RESPONDENT TO REFRAIN FROM ENTERING THE
26 RESIDENCE OF A PERSON ELIGIBLE FOR RELIEF;

27 (4) IF A PERSON ELIGIBLE FOR RELIEF AND THE RESPONDENT ARE
28 RESIDING TOGETHER AT THE TIME OF THE ALLEGED ABUSE:

29 (I) ORDER THE RESPONDENT TO VACATE THE HOME
30 IMMEDIATELY;

31 (II) AWARD TO A PERSON ELIGIBLE FOR RELIEF CUSTODY OF ANY
32 CHILD OF THE PERSON ELIGIBLE FOR RELIEF AND RESPONDENT THEN RESIDING IN
33 THE HOME; AND

34 (III) SUBJECT TO THE LIMITS AS TO A NONSPOUSE SPECIFIED IN §
35 4-505(A)(2)(IV) OF THIS SUBTITLE, AWARD TEMPORARY USE AND POSSESSION OF THE
36 HOME TO THE PERSON ELIGIBLE FOR RELIEF;

1 (5) IN A CASE ALLEGING ABUSE OF A CHILD, AWARD TEMPORARY
2 CUSTODY OF A MINOR CHILD OF THE RESPONDENT AND A PERSON ELIGIBLE FOR
3 RELIEF;

4 (6) IN A CASE ALLEGING ABUSE OF A VULNERABLE ADULT, SUBJECT TO
5 THE LIMITS AS TO A NONSPOUSE SPECIFIED IN § 4-505(A)(2)(IV) OF THIS SUBTITLE,
6 AWARD TEMPORARY USE AND POSSESSION OF THE HOME TO AN ADULT LIVING IN
7 THE HOME;

8 (7) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE PLACE OF
9 EMPLOYMENT, SCHOOL, OR TEMPORARY RESIDENCE OF A PERSON ELIGIBLE FOR
10 RELIEF; OR

11 (8) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE RESIDENCE
12 OF ANY FAMILY MEMBER OF A PERSON ELIGIBLE FOR RELIEF.

13 (D) (1) (I) AN INTERIM ORDER SHALL STATE THE DATE, TIME, AND
14 LOCATION FOR THE TEMPORARY ORDER HEARING.

15 (II) A TEMPORARY ORDER HEARING SHALL BE HELD ON THE FIRST
16 OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING AFTER ISSUANCE
17 OF THE INTERIM ORDER, UNLESS THE JUDGE CONTINUES THE HEARING FOR GOOD
18 CAUSE.

19 (2) AN INTERIM ORDER SHALL INCLUDE IN AT LEAST 10 POINT BOLD
20 TYPE:

21 (I) NOTICE TO THE RESPONDENT THAT:

22 1. THE RESPONDENT MUST NOTIFY THE COURT IN WRITING
23 OF ANY CHANGE OF ADDRESS; AND

24 2. IF THE RESPONDENT FAILS TO APPEAR AT THE
25 TEMPORARY ORDER HEARING OR ANY LATER HEARING, THE RESPONDENT MAY BE
26 SERVED WITH A TEMPORARY ORDER OR ANY OTHER ORDERS OR NOTICES IN THE
27 CASE BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS;

28 (II) A STATEMENT OF ALL POSSIBLE FORMS AND DURATION OF
29 RELIEF THAT A TEMPORARY ORDER OR PROTECTIVE ORDER MAY CONTAIN;

30 (III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE
31 HEARING, A JUDGE MAY ISSUE A TEMPORARY ORDER THAT GRANTS ANY OR ALL OF
32 THE RELIEF REQUESTED IN THE PETITION OR MAY DENY THE PETITION, WHETHER
33 OR NOT THE RESPONDENT IS IN COURT; AND

34 (IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN
35 INTERIM ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER SHALL
36 ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE
37 RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE
38 THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THE INTERIM ORDER.

1 (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM ORDER, THE
2 COMMISSIONER SHALL:

3 (1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM
4 ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR SERVICE ON THE
5 RESPONDENT; AND

6 (2) BEFORE THE HEARING SCHEDULED IN THE INTERIM ORDER,
7 TRANSFER THE CASE FILE AND THE RETURN OF SERVICE, IF ANY, TO THE OFFICE OF
8 THE DISTRICT COURT CLERK.

9 (F) A LAW ENFORCEMENT OFFICER SHALL:

10 (1) IMMEDIATELY ON RECEIPT OF A PETITION AND INTERIM ORDER,
11 SERVE THEM ON THE RESPONDENT NAMED IN THE ORDER; AND

12 (2) IMMEDIATELY AFTER SERVICE, MAKE A RETURN OF SERVICE TO THE
13 ISSUING COMMISSIONER OR, IF THE OFFICE OF THE DISTRICT COURT CLERK IS OPEN
14 FOR BUSINESS, TO THE CLERK.

15 (G) AN INTERIM ORDER SHALL BE EFFECTIVE UNTIL ISSUANCE OR DENIAL OF
16 A TEMPORARY ORDER UNDER § 4-505 OF THIS SUBTITLE.

17 (H) A DECISION OF A COMMISSIONER TO GRANT OR DENY RELIEF UNDER THIS
18 SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY POWER GRANTED TO OR
19 DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE DISTRICT COURT UNDER
20 ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A PETITION FOR A
21 TEMPORARY ORDER OR PROTECTIVE ORDER.

22 4-505.

23 (a) (1) If, AFTER A HEARING ON a petition [is filed under this subtitle and
24 the], WHETHER EX PARTE OR OTHERWISE, A court finds that there are reasonable
25 grounds to believe that a person eligible for relief has been abused, the court[, in an
26 ex parte proceeding,] may enter a temporary order to protect any person eligible for
27 relief from abuse.

28 (2) The temporary [ex parte] order may order any or all of the following
29 relief:

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

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

34 (iii) order the respondent to refrain from entering the residence of a
35 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;

14 (vi) order the respondent to remain away from a child care provider
15 of a person eligible for relief while a child of the person is in the care of the child care
16 provider; and

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

19 (b) (1) A law enforcement officer immediately shall serve the temporary [ex
20 parte] order on the alleged abuser under this section.

21 (2) There shall be no cost to the petitioner for service of the temporary
22 [ex parte] order.

23 (c) (1) The temporary [ex parte] order shall be effective for not more than 7
24 days after service of the order.

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

28 (D) (1) WHENEVER A COURT FINDS REASONABLE GROUNDS TO BELIEVE
29 THAT ABUSE OF A CHILD, AS DEFINED IN TITLE 5, SUBTITLE 7 OF THIS ARTICLE, OR
30 ABUSE OF A VULNERABLE ADULT, AS DEFINED IN TITLE 14, SUBTITLE 1 OF THIS
31 ARTICLE, HAS OCCURRED, THE COURT SHALL FORWARD TO THE LOCAL
32 DEPARTMENT A COPY OF THE PETITION AND TEMPORARY ORDER.

33 (2) WHENEVER A LOCAL DEPARTMENT RECEIVES A PETITION AND
34 TEMPORARY ORDER FROM A COURT, THE LOCAL DEPARTMENT SHALL:

35 (I) INVESTIGATE THE ALLEGED ABUSE AS PROVIDED IN:

36 1. TITLE 5, SUBTITLE 7 OF THIS ARTICLE; OR

37 2. TITLE 14, SUBTITLE 3 OF THIS ARTICLE; AND

1 (II) BY THE DATE OF THE PROTECTIVE ORDER HEARING, SEND TO
2 THE COURT A COPY OF THE REPORT OF THE INVESTIGATION.

3 4-506.

4 (b) (1) (i) The temporary [ex parte] order shall state the date and time of
5 the protective order hearing.

6 (ii) Unless continued for good cause, the protective order hearing
7 shall be held no later than 7 days after the temporary [ex parte] order is served on
8 the respondent.

9 (2) The temporary [ex parte] order shall include notice to the
10 respondent:

11 (i) in at least 10-point bold type, that if the respondent fails to
12 appear at the protective order hearing, the respondent may be served by first-class
13 mail at the respondent's last known address with the protective order and all other
14 notices concerning the protective order;

15 (ii) specifying all the possible forms of relief under subsection (d) of
16 this section that the protective order may contain;

17 (iii) that the protective order shall be effective for the period stated
18 in the order, not to exceed 12 months, unless the court extends the term of the order,
19 under § 4-507(a)(2) of this subtitle; and

20 (iv) in at least 10-point bold type, that the respondent must notify
21 the court in writing of any change of address.

22 (c) (1) If the respondent appears for the TEMPORARY OR protective order
23 hearing[,] OR has been served with [the] AN INTERIM ORDER, IF ANY, AND A
24 temporary [ex parte] order, or the court otherwise has personal jurisdiction over the
25 respondent, the court:

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

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

31 4-509.

32 (a) A person who fails to comply with the relief granted in an [ex parte]
33 INTERIM ORDER UNDER § 4-504.1 OF THIS SUBTITLE, A TEMPORARY order under §
34 4-505(a)(2)(i), (ii), (iii), (iv), or (v) of this [subtitle] SUBTITLE, or [in] a protective
35 order under § 4-506(d)(1), (2), (3), (4), or (5) of this subtitle is guilty of a misdemeanor
36 and on conviction is subject, for each offense, to:

1 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not
2 exceeding 90 days or both; and

3 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or
4 imprisonment not exceeding 1 year or both.

5 (b) An officer shall arrest with or without a warrant and take into custody a
6 person whom the officer has probable cause to believe is in violation of an [ex parte
7 order] INTERIM, TEMPORARY, or protective order in effect at the time of the violation.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001.