

SENATE BILL 658

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2001 Regular Session  
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By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

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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

1 Section 2-607(d) and 3-1501(c), (d), and (e), respectively  
2 to be Section 2-607(c)(5) and 3-1501(d), (e), and (f), respectively  
3 Annotated Code of Maryland  
4 (1998 Replacement Volume and 2000 Supplement)

5 BY renumbering  
6 Article - Family Law  
7 Section 4-501 (h), (i), (j), (k), (l), and (m), respectively  
8 to be Section 4-501 (i), (j), (k), (l), (m), and (n), respectively  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2000 Supplement)

11 BY adding to  
12 Article - Courts and Judicial Proceedings  
13 Section 2-607(d), 3-1501(c), and 3-1503.1  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Courts and Judicial Proceedings  
18 Section 3-1503 (a) and (c), 3-1504(a)(1), 3-1505(c)(1), and 3-1508  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2000 Supplement)

21 BY adding to  
22 Article - Family Law  
23 Section 4-501(h) and 4-504.1  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Family Law  
28 Section 4-504, 4-505, 4-506(b) and (c)(1), and 4-509  
29 Annotated Code of Maryland  
30 (1999 Replacement Volume and 2000 Supplement)

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

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

1 Maryland be renumbered to be Section(s) 4-501(i), (j), (k), (l), (m), and (n),  
2 respectively.

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

5 **Article - Courts and Judicial Proceedings**

6 2-607.

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

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

14 3-1501.

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

18 3-1503.

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

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

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

27 (3) Assault in any degree;

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

30 (5) False imprisonment;

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

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

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

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

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

8 3-1503.1.

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

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

17 (C) AN INTERIM PEACE ORDER:

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

20 (2) MAY ORDER THE RESPONDENT TO:

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

23 (II) REFRAIN FROM CONTACTING, ATTEMPTING TO CONTACT, OR  
24 HARASSING THE PETITIONER;

25 (III) REFRAIN FROM ENTERING THE RESIDENCE OF THE  
26 PETITIONER; AND

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

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

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

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

1 (I) NOTICE TO THE RESPONDENT THAT:

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

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

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

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

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

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

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

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

29 (F) A LAW ENFORCEMENT OFFICER SHALL:

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

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

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

1 (H) A DECISION OF A COMMISSIONER TO GRANT OR DENY RELIEF UNDER THIS  
2 SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY POWER GRANTED TO OR  
3 DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE DISTRICT COURT UNDER  
4 ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A PETITION FOR A  
5 TEMPORARY PEACE ORDER OR PEACE ORDER.

6 3-1504.

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

13 3-1505.

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

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

19 (ii) If the court finds by clear and convincing evidence that the  
20 respondent has committed, and is likely to commit in the future, an act specified in §  
21 3-1503(a) of this subtitle against the petitioner, or if the respondent consents to the  
22 entry of a peace order, the court may issue a peace order to protect the petitioner.

23 3-1508.

24 (a) An individual who fails to comply with the relief granted in AN INTERIM  
25 PEACE ORDER UNDER § 3-1503.1 OF THIS SUBTITLE, a temporary peace order under §  
26 3-1504(a)(2) of this [subtitle] SUBTITLE, or [in] a peace order under §  
27 3-1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on  
28 conviction is subject, for each offense, to a fine not exceeding \$1,000 or imprisonment  
29 not exceeding 90 days or both.

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

34 **Article - Family Law**

35 4-501.

36 (H) "INTERIM ORDER" MEANS AN ORDER THAT A DISTRICT COURT  
37 COMMISSIONER ISSUES UNDER THIS SUBTITLE PENDING A HEARING BY A JUDGE ON  
38 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.