

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2001

CHAPTER _____

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; requiring that a respondent who
25 has been served with an interim domestic violence order or interim peace order
26 be served with a temporary domestic violence order or temporary peace order in
27 a certain manner; authorizing a court to proceed with a protective order hearing

1 or peace order hearing under certain circumstances; making a violation of
2 certain provisions of an interim domestic violence order or interim peace order a
3 ~~crime~~ misdemeanor subject to certain penalties; requiring a law enforcement
4 officer to arrest with or without a warrant an individual who violates an interim
5 domestic violence order or interim peace order under certain circumstances;
6 clarifying language; defining certain terms; making this Act contingent on the
7 passage and ratification of a certain Constitutional Amendment; and generally
8 relating to interim domestic violence orders and interim peace orders.

9 BY renumbering

10 Article - Courts and Judicial Proceedings
11 Section 2-607(d) and 3-1501(c), (d), and (e), respectively
12 to be Section 2-607(c)(5) and 3-1501(d), (e), and (f), respectively
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

15 BY renumbering

16 Article - Family Law
17 Section 4-501 (h), (i), (j), (k), (l), and (m), respectively
18 to be Section 4-501 (i), (j), (k), (l), (m), and (n), respectively
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

21 BY adding to

22 Article - Courts and Judicial Proceedings
23 Section 2-607(d), 3-1501(c), and 3-1503.1
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - Courts and Judicial Proceedings
28 Section 3-1503(a) and (c), 3-1504(a)(1), and (b), 3-1505(c)(1), and 3-1508
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 2000 Supplement)

31 BY adding to

32 Article - Family Law
33 Section 4-501(h) and 4-504.1
34 Annotated Code of Maryland
35 (1999 Replacement Volume and 2000 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article - Family Law
38 Section 4-504, 4-505, 4-506(b) and (c)(1), and 4-509

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2000 Supplement)

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

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

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

13 **Article - Courts and Judicial Proceedings**

14 2-607.

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

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

22 3-1501.

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

26 3-1503.

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

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

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

35 (3) Assault in any degree;

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

3 (5) False imprisonment;

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

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

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

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

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

15 3-1503.1.

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

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

24 (C) AN INTERIM PEACE ORDER:

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

27 (2) MAY ORDER THE RESPONDENT TO:

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

30 (II) REFRAIN FROM CONTACTING, ATTEMPTING TO CONTACT, OR
31 HARASSING THE PETITIONER;

32 (III) REFRAIN FROM ENTERING THE RESIDENCE OF THE
33 PETITIONER; AND

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

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

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

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

9 (I) NOTICE TO THE RESPONDENT THAT:

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

12 2. IF THE RESPONDENT FAILS TO APPEAR AT THE
13 TEMPORARY PEACE ORDER HEARING OR ANY LATER HEARING, THE RESPONDENT
14 MAY BE SERVED WITH A TEMPORARY PEACE ORDER OR ANY OTHER ORDERS OR
15 NOTICES IN THE CASE BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN
16 ADDRESS;

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

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

23 (IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN
24 INTERIM PEACE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER SHALL
25 ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE
26 RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE
27 THAT THE RESPONDENT HAS VIOLATED ~~ANY PROVISION OF~~ THE INTERIM PEACE
28 ORDER.

29 (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM PEACE ORDER, THE
30 COMMISSIONER SHALL:

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

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

37 (F) A LAW ENFORCEMENT OFFICER SHALL:

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

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

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

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

13 3-1504.

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

20 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
21 A law enforcement officer immediately shall serve the temporary peace order on the
22 respondent.

23 (2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM PEACE
24 ORDER UNDER § 3-1503.1 OF THIS SUBTITLE SHALL BE SERVED WITH THE
25 TEMPORARY PEACE ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT
26 PRESENT AT THE TEMPORARY PEACE ORDER HEARING, BY FIRST CLASS MAIL AT THE
27 RESPONDENT'S LAST KNOWN ADDRESS.

28 3-1505.

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

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

34 (ii) If the court finds by clear and convincing evidence that the
35 respondent has committed, and is likely to commit in the future, an act specified in §
36 3-1503(a) of this subtitle against the petitioner, or if the respondent consents to the
37 entry of a peace order, the court may issue a peace order to protect the petitioner.

1 3-1508.

2 (a) An individual who fails to comply with the relief granted in AN INTERIM
3 PEACE ORDER UNDER § 3-1503.1 OF THIS SUBTITLE, a temporary peace order under §
4 3-1504(a)(2) of this [subtitle] SUBTITLE, or [in] a peace order under §
5 3-1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on
6 conviction is subject, for each offense, to a fine not exceeding \$1,000 or imprisonment
7 not exceeding 90 days or both.

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

12 **Article - Family Law**

13 4-501.

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

17 4-504.

18 (a) A petitioner may seek relief from abuse by filing with a court, OR WITH A
19 DISTRICT COURT COMMISSIONER UNDER THE CIRCUMSTANCES SPECIFIED IN §
20 4-504.1(A) OF THIS SUBTITLE, a petition that alleges abuse of any person eligible for
21 relief by the respondent.

22 (b) (1) The petition shall:

23 (i) be under oath; and

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

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

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

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

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

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

1 COMMISSIONER MAY ISSUE AN INTERIM ORDER TO PROTECT A PERSON ELIGIBLE
2 FOR RELIEF.

3 (C) AN INTERIM ORDER MAY:

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

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

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

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

12 (I) ORDER THE RESPONDENT TO VACATE THE HOME
13 IMMEDIATELY;

14 (II) AWARD TO A PERSON ELIGIBLE FOR RELIEF CUSTODY OF ANY
15 CHILD OF THE PERSON ELIGIBLE FOR RELIEF AND RESPONDENT THEN RESIDING IN
16 THE HOME; AND

17 (III) SUBJECT TO THE LIMITS AS TO A NONSPOUSE SPECIFIED IN §
18 4-505(A)(2)(IV) OF THIS SUBTITLE, AWARD TEMPORARY USE AND POSSESSION OF THE
19 HOME TO THE PERSON ELIGIBLE FOR RELIEF;

20 (5) IN A CASE ALLEGING ABUSE OF A CHILD, AWARD TEMPORARY
21 CUSTODY OF A MINOR CHILD OF THE RESPONDENT AND A PERSON ELIGIBLE FOR
22 RELIEF;

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

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

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

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

34 (II) A TEMPORARY ORDER HEARING SHALL BE HELD ON THE FIRST
35 OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING AFTER ISSUANCE

1 OF THE INTERIM ORDER, UNLESS THE JUDGE CONTINUES THE HEARING FOR GOOD
2 CAUSE.

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

5 (I) NOTICE TO THE RESPONDENT THAT:

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

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

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

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

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

23 (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM ORDER, THE
24 COMMISSIONER SHALL:

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

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

31 (F) A LAW ENFORCEMENT OFFICER SHALL:

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

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

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

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

8 4-505.

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

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

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

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

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

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

32 (v) order the respondent to remain away from the place of
33 employment, school, or temporary residence of a person eligible for relief or home of
34 other family members;

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

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

1 (b) (1) A EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
 2 law enforcement officer immediately shall serve the temporary [ex parte] order on
 3 the alleged abuser under this section.

4 (2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM ORDER
 5 UNDER § 4-504.1 OF THIS SUBTITLE SHALL BE SERVED WITH THE TEMPORARY ORDER
 6 IN OPEN COURT OR, IF THE RESPONDENT IS NOT PRESENT AT THE TEMPORARY
 7 ORDER HEARING, BY FIRST CLASS MAIL AT THE RESPONDENT'S LAST KNOWN
 8 ADDRESS.

9 ~~(2)~~ (3) There shall be no cost to the petitioner for service of the
 10 temporary [ex parte] order.

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

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

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

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

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

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

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

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

28 4-506.

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

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

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

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

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

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

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

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

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

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

21 4-509.

22 (a) A person who fails to comply with the relief granted in an [ex parte]
 23 INTERIM ORDER UNDER ~~§ 4-504.1~~ § 4-504.1(C)(1), (2), (3), (4)(I), (7), OR (8) OF THIS
 24 SUBTITLE, A TEMPORARY order under § 4-505(a)(2)(i), (ii), (iii), (iv), or (v) of this
 25 [subtitle] SUBTITLE, or [in] a protective order under § 4-506(d)(1), (2), (3), (4), or (5)
 26 of this subtitle is guilty of a misdemeanor and on conviction is subject, for each
 27 offense, to:

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

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

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

35 SECTION 4. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
 36 ~~October 1, 2001~~ is contingent on the passage of Chapter _____ (S.B. 657/H.B. 764) of
 37 the Acts of the General Assembly of 2001, a Constitutional Amendment, and its
 38 ratification by the voters of the State.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the
2 provisions of Section 4 of this Act, this Act shall take effect on the date of certification
3 of the election results on the question of ratification of the Constitutional Amendment
4 by the voters of the State.