

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 328

(Delegate Dumais, *et al.*)

Judiciary

Judicial Proceedings

Family Law - Protective Orders - Extension of Final Order

This bill authorizes a judge to extend the term of a protective order for 12 months beyond the term of the original order.

Fiscal Summary

State Effect: None. The bill's requirements could be met with existing resources.

Local Effect: None. The bill's requirements could be met with existing resources.

Small Business Effect: None.

Analysis

Current Law: In a domestic violence proceeding, if a judge finds by clear and convincing evidence that abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

A final protective order may include any or all of the following relief:

- (1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;
- (2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

- (3) order the respondent to refrain from entering the residence of any person eligible for relief;
- (4) in certain cases where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief;
- (5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;
- (6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the provider's care;
- (7) award temporary custody of a minor child of the respondent and a person eligible for relief;
- (8) establish temporary visitation with a minor child of the respondent and a person eligible for relief under certain conditions;
- (9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support;
- (10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief under certain conditions;
- (11) direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;
- (12) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order; or
- (13) order the respondent to pay filing fees and costs of the proceeding.

All relief that is granted in a final protective order is effective for the period stated in the order, up to a maximum of 12 months. A protective order may be modified or rescinded during the term of the protective order after giving notice to all affected persons eligible for relief, and the respondent, and after a hearing. For good cause shown, a judge may

extend the term of the protective order for six months beyond the period specified in the original order after giving notice to all affected persons eligible for relief, and the respondent, and after a hearing. A subsequent circuit court order pertaining to any of the provisions in the final protective order supersedes those provisions in the final protective order.

Background: The Administrative Office of the Courts reports that in fiscal 2004 several circuit courts, including Baltimore City and Montgomery County, had a reduction of domestic violence cases. In fiscal 2004, 4,306 domestic cases were filed in the circuit courts. In fiscal 2004, the District Court reports that 14,729 hearings for final protective orders were held. The District Court granted 7,395 final protective orders and reissued 14 orders. In the circuit courts, 3,023 hearings for final protective orders were held in fiscal 2004 and 1,254 orders were granted.

Additional Information

Prior Introductions: None.

Cross File: SB 259 (Senator Grosfeld, *et al.*) – Judicial Proceedings.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2005
mll/jr Revised - House Third Reader - March 29, 2005

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