

# HOUSE BILL 55

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9lr1137

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By: **Delegates Barnes, Dumais, Frush, Hecht, and Ross**

Introduced and read first time: January 15, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Temporary Protective Order Hearing – Substitution of**  
3 **Final Protective Order Hearing**

4 FOR the purpose of altering the parties who may expressly consent to waive a  
5 temporary protective order hearing and proceed to the final protective order  
6 hearing; altering provisions relating to a judge's authority to proceed with a  
7 final protective order hearing in a certain situation by adding the requirement  
8 that there be an express finding by the court that a final protective order  
9 hearing would serve the interests of justice; and generally relating to the waiver  
10 of a temporary protective order hearing and the substitution of the final  
11 protective order hearing.

12 BY repealing and reenacting, without amendments,  
13 Article – Family Law  
14 Section 4–505(a)(1) and (b)(1) and (2)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Family Law  
19 Section 4–505(d)  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2008 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Family Law**

25 4–505.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a  
2 judge finds that there are reasonable grounds to believe that a person eligible for relief  
3 has been abused, the judge may enter a temporary protective order to protect any  
4 person eligible for relief from abuse.

5 (b) (1) Except as provided in paragraph (2) of this subsection, a law  
6 enforcement officer immediately shall serve the temporary protective order on the  
7 alleged abuser under this section.

8 (2) A respondent who has been served with an interim protective order  
9 under § 4-504.1 of this subtitle shall be served with the temporary protective order in  
10 open court or, if the respondent is not present at the temporary protective order  
11 hearing, by first-class mail at the respondent's last known address.

12 (d) The judge may proceed with a final protective order hearing instead of a  
13 temporary protective order hearing, if:

- 14 (1) (i) the respondent appears at the hearing;  
15 (ii) the respondent has been served with an interim protective  
16 order; or  
17 (iii) the court otherwise has personal jurisdiction over the  
18 respondent; [and]

19 (2) [the petitioner and] the respondent expressly [consent]  
20 **CONSENTS** to waive the temporary protective order hearing; **AND**

21 **(3) THE COURT EXPRESSLY FINDS THAT PROCEEDING WITH THE**  
22 **FINAL PROTECTIVE ORDER HEARING WOULD SERVE THE INTERESTS OF**  
23 **JUSTICE.**

24 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
25 October 1, 2009.