

HOUSE BILL 971

D4

9lr1685
CF SB 811

By: **Delegates Ivey, Anderson, Barnes, Braveboy, Dumais, Eckardt, Jennings, Kullen, Lee, Levi, Montgomery, Niemann, Ramirez, V. Turner, Valderrama, and Vallario**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2009

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence – Duration of Protective Order – Subsequent Act of Abuse**

3 FOR the purpose of extending the maximum duration of a final protective order under
4 certain circumstances; and generally relating to domestic violence and the
5 duration of a final protective order.

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section ~~4-506(h)~~ 4-506(b) and (h)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2008 Supplement)

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

13 **Article – Family Law**

14 4-506.

15 (b) (1) (i) The temporary protective order shall state the date and time
16 of the final protective order hearing.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (ii) Unless continued for good cause, the final protective order
2 hearing shall be held no later than 7 days after the temporary protective order is
3 served on the respondent.

4 (2) The temporary protective order shall include notice to the
5 respondent:

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

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

12 (iii) that the final protective order shall be effective for the
13 period stated in the order, not to exceed [12 months] **1 YEAR OR, UNDER THE**
14 **CIRCUMSTANCES DESCRIBED IN SUBSECTION (H)(2) OF THIS SECTION, 2 YEARS,**
15 unless the judge extends the term of the order[,] under § 4-507(a)(2) of this subtitle or
16 the court issues a permanent order under subsection (i) of this section; and

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

19 (h) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)**
20 of this subsection, all relief granted in a final protective order shall be effective for the
21 period stated in the order, not to exceed [12 months] **1 YEAR.**

22 (2) ~~**IF THE COURT ISSUES A FINAL PROTECTIVE ORDER UNDER**~~
23 ~~**THIS SECTION AGAINST A RESPONDENT FOR AN ACT OF ABUSE COMMITTED**~~
24 ~~**WITHIN 1 YEAR AFTER THE DATE THAT A PRIOR PROTECTIVE ORDER ISSUED**~~
25 ~~**AGAINST THE SAME RESPONDENT EXPIRES, ALL RELIEF GRANTED IN THE ALL**~~
26 ~~**RELIEF GRANTED IN A FINAL PROTECTIVE ORDER SHALL BE EFFECTIVE FOR**~~
27 ~~**THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 2 YEARS IF:**~~

28 (I) THE COURT ISSUES A FINAL PROTECTIVE ORDER UNDER
29 THIS SECTION AGAINST A RESPONDENT ON BEHALF OF A PERSON ELIGIBLE FOR
30 RELIEF FOR AN ACT OF ABUSE COMMITTED WITHIN 1 YEAR AFTER THE DATE
31 THAT A PRIOR FINAL PROTECTIVE ORDER ISSUED AGAINST THE SAME
32 RESPONDENT ON BEHALF OF THE SAME PERSON ELIGIBLE FOR RELIEF
33 EXPIRES; AND

34 (II) THE PRIOR FINAL PROTECTIVE ORDER WAS ISSUED FOR
35 A PERIOD OF AT LEAST 6 MONTHS.

1 **(3)** A subsequent circuit court order pertaining to any of the provisions
2 included in the final protective order shall supersede those provisions in the final
3 protective order.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.