

HOUSE BILL 1196

D4

(9lr2133)

ENROLLED BILL

—Judiciary/Judicial Proceedings—

Introduced by **Delegates Ramirez, Barkley, Barnes, Frick, Haynes, Healey, Kramer, McComas, and Valderrama**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence – Protective Orders – Notification of Service**

3 FOR the purpose of requiring ~~a court clerk or District Court commissioner~~ the
4 Department of Public Safety and Correctional Services to notify a certain
5 petitioner of the service of an interim protective order, a temporary protective
6 order, or a final protective order on a respondent ~~if the petitioner has filed with~~
7 ~~the court or the commissioner's office a notification request form that includes~~
8 ~~the petitioner's telephone number or electronic mail address~~; requiring the
9 ~~Administrative Office of the Courts~~ Department to develop a certain notification
10 request form and procedures for notification; specifying a law enforcement
11 officer shall ~~make a return~~ provide a certain electronic notice of service of a
12 certain protective order within a certain period of time of the service; making
13 this Act subject to a certain contingency; providing for the termination of this
14 Act; and generally relating to notification of service of protective orders.

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.

Italics indicate opposite chamber / conference committee amendments.



1 BY repealing and reenacting, with amendments,
2 Article – Family Law
3 Section ~~4–504 and~~ 4–504.1(f), and 4–505(b)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2008 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Family Law
8 Section ~~4–505(b) and~~ 4–506(g)
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 4–504.

15 (a) A petitioner may seek relief from abuse by filing with a court, or with a
16 commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a
17 petition that alleges abuse of any person eligible for relief by the respondent.

18 (b) (1) The petition shall:

19 (i) be under oath; and

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

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

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

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

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

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

29 6. in a case of alleged child abuse or alleged abuse of a
30 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
31 information relating to the abuse of the child or vulnerable adult.

(2) If the petition states that disclosure of the address of a person eligible for relief would risk further abuse of a person eligible for relief, or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with a commissioner or filed with, or transferred to, a court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera and may not be disclosed to the respondent.

(c) The petitioner may not be required to pay a filing fee or costs for the issuance or service of:

(1) an interim protective order;

(2) a temporary protective order;

(3) a final protective order; or

(4) a witness subpoena.

(D) (1) IF A PETITIONER HAS ~~FILED WITH THE COURT OR THE COMMISSIONER'S OFFICE~~ A NOTIFICATION REQUEST FORM THAT INCLUDES THE PETITIONER'S TELEPHONE NUMBER OR ELECTRONIC MAIL ADDRESS, THE ~~COURT CLERK OR COMMISSIONER~~ REQUESTED NOTIFICATION OF THE SERVICE OF A PROTECTIVE ORDER, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL:

(I) NOTIFY THE PETITIONER OF THE SERVICE ON THE RESPONDENT OF AN INTERIM OR A TEMPORARY PROTECTIVE ORDER WITHIN ONE HOUR ~~OF RECEIPT OF THE RETURN OF SERVICE FROM~~ AFTER A LAW ENFORCEMENT OFFICER ELECTRONICALLY NOTIFIES THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE SERVICE; AND

(II) NOTIFY THE PETITIONER OF THE SERVICE ON THE RESPONDENT OF A ~~TEMPORARY OR~~ FINAL PROTECTIVE ORDER WITHIN ONE HOUR ~~OF~~ AFTER KNOWLEDGE OF SERVICE OF THE ORDER ON THE RESPONDENT.

(2) THE ~~ADMINISTRATIVE OFFICE OF THE COURTS~~ DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL DEVELOP ~~THE~~ A NOTIFICATION REQUEST FORM AND PROCEDURES FOR NOTIFICATION UNDER THIS ~~SECTION~~ SUBSECTION.

(3) THE COURT CLERK OR COMMISSIONER SHALL PROVIDE THE NOTIFICATION REQUEST FORM TO A PETITIONER.

(f) A law enforcement officer shall:

(1) immediately on receipt of a petition and interim protective order, serve them on the respondent named in the order; ~~and~~

(2) ~~immediately after~~ ~~WITHIN TWO HOURS OF~~ service, make a return of service to the commissioner's office or, if the Office of the District Court Clerk is open for business, to the Clerk; AND

(3) WITHIN TWO HOURS AFTER SERVICE OF THE ORDER ON THE RESPONDENT, ELECTRONICALLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE SERVICE.

4-505.

(b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer ~~immediately shall~~ **SHALL:**

(I) IMMEDIATELY serve the temporary protective order on the alleged abuser under this section; AND

(II) WITHIN TWO HOURS AFTER SERVICE OF THE ORDER ON THE RESPONDENT, ELECTRONICALLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE SERVICE.

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

(3) There shall be no cost to the petitioner for service of the temporary protective order.

4-506.

(g) (1) A copy of the final protective order shall be served on the petitioner, the respondent, any affected person eligible for relief, the appropriate law enforcement agency, and any other person the judge determines is appropriate, in open court or, if the person is not present at the final protective order hearing, by first-class mail to the person's last known address.

(2) A copy of the final protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final protective order. Service is complete upon mailing.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October 1, 2009~~ January 1, 2010, contingent on the receipt by the Governor's Office of
3 Crime Control and Prevention of federal funds under the American Recovery and
4 Reinvestment Act of 2009 to fund implementation of the notification requirements
5 under this Act and if federal funds are not received for this purpose by January 1,
6 2010, this Act shall be null and void without the necessity of further action by the
7 General Assembly. *It shall remain effective for a period of 2 years and, at the end of*
8 *December 31, 2011, with no further action required by the General Assembly, this Act*
9 *shall be abrogated and of no further force and effect.*

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.