

# HOUSE BILL 1196

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By: **Delegates Ramirez, Barkley, Barnes, Frick, Haynes, Healey, Kramer, McComas, and Valderrama**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

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 to notify a  
4 certain petitioner of the service of an interim protective order, a temporary  
5 protective order, or a final protective order on a respondent if the petitioner has  
6 filed with the court or the commissioner's office a notification request form that  
7 includes the petitioner's telephone number or electronic mail address; requiring  
8 the Administrative Office of the Courts to develop a certain notification request  
9 form and procedures for notification; specifying a law enforcement officer shall  
10 make a return of service of a certain protective order within a certain period of  
11 time of the service; and generally relating to notification of service of protective  
12 orders.

13 BY repealing and reenacting, with amendments,  
14 Article – Family Law  
15 Section 4–504 and 4–504.1(f)  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2008 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Family Law  
20 Section 4–505(b) and 4–506(g)  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume and 2008 Supplement)

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

25 **Article – Family Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4–504.

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

5 (b) (1) The petition shall:

6 (i) be under oath; and

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

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

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

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

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

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

16 6. in a case of alleged child abuse or alleged abuse of a  
17 vulnerable adult, the whereabouts of the child or vulnerable adult and any other  
18 information relating to the abuse of the child or vulnerable adult.

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

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

27 (1) an interim protective order;

28 (2) a temporary protective order;

29 (3) a final protective order; or

30 (4) a witness subpoena.

1           **(D) (1) IF A PETITIONER HAS FILED WITH THE COURT OR THE**  
2 **COMMISSIONER'S OFFICE A NOTIFICATION REQUEST FORM THAT INCLUDES THE**  
3 **PETITIONER'S TELEPHONE NUMBER OR ELECTRONIC MAIL ADDRESS, THE**  
4 **COURT CLERK OR COMMISSIONER SHALL:**

5                   **(I) NOTIFY THE PETITIONER OF THE SERVICE ON THE**  
6 **RESPONDENT OF AN INTERIM PROTECTIVE ORDER WITHIN ONE HOUR OF**  
7 **RECEIPT OF THE RETURN OF SERVICE FROM A LAW ENFORCEMENT OFFICER;**  
8 **AND**

9                   **(II) NOTIFY THE PETITIONER OF THE SERVICE ON THE**  
10 **RESPONDENT OF A TEMPORARY OR FINAL PROTECTIVE ORDER WITHIN ONE**  
11 **HOUR OF KNOWLEDGE OF SERVICE OF THE ORDER ON THE RESPONDENT.**

12           **(2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL**  
13 **DEVELOP THE NOTIFICATION REQUEST FORM AND PROCEDURES FOR**  
14 **NOTIFICATION UNDER THIS SECTION.**

15 4-504.1.

16           (f)           A law enforcement officer shall:

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

19                   (2) [immediately after] **WITHIN TWO HOURS OF** service, make a  
20 return of service to the commissioner's office or, if the Office of the District Court Clerk  
21 is open for business, to the Clerk.

22 4-505.

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

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

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

32 4-506.

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

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

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