

# 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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

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## 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; and generally relating to notification of  
14 service of protective orders.

15 BY repealing and reenacting, with amendments,  
16 Article - Family Law  
17 Section ~~4-504 and~~ 4-504.1(f), and 4-505(b)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume and 2008 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article - Family Law  
22 Section ~~4-505(b) and~~ 4-506(g)  
23 Annotated Code of Maryland

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**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 (2006 Replacement Volume and 2008 Supplement)

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

4 **Article – Family Law**

5 4–504.

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

9 (b) (1) The petition shall:

10 (i) be under oath; and

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

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

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

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

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

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

20 6. in a case of alleged child abuse or alleged abuse of a  
21 vulnerable adult, the whereabouts of the child or vulnerable adult and any other  
22 information relating to the abuse of the child or vulnerable adult.

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

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

31 (1) an interim protective order;

- 1 (2) a temporary protective order;
- 2 (3) a final protective order; or
- 3 (4) a witness subpoena.

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

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

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

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

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

24 4-504.1.

25 (f) A law enforcement officer shall:

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

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

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

1 4-505.

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

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

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

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

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

15 4-506.

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 ~~October 1, 2009~~ January 1, 2010, contingent on the receipt by the Governor's Office of  
27 Crime Control and Prevention of federal funds under the American Recovery and  
28 Reinvestment Act of 2009 to fund implementation of the notification requirements  
29 under this Act and if federal funds are not received for this purpose by January 1,  
30 2010, this Act shall be null and void without the necessity of further action by the  
31 General Assembly.