

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 462

(Chair, Anne Arundel County Senators)

Judicial Proceedings

Peace Order or Protective Order Petition - Respondent's Address

This bill alters the information required of a person filing a petition for an interim or temporary peace order or an interim or temporary protective order by requiring the person to include, if known, the home or business address of the respondent.

Fiscal Summary

State Effect: None. The Judiciary can make any necessary alterations to petitions using existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person filing for an interim or temporary peace order must include specified information on the petition. The petition must include all information known to the petitioner regarding (1) the nature and extent of the act for which relief is being sought, including information relating to previous harm or injury by the respondent; (2) each previous and pending action between the parties in any court; and (3) the whereabouts of the respondent.

A person filing for an interim or temporary protective order must include on the petition any information known to the petitioner regarding (1) the nature and extent of the abuse for which the relief is being sought, including information known to the petitioner concerning previous injury resulting from abuse by the respondent; (2) each pending and

previous action between the parties in any court; (3) the whereabouts of the respondent, if known; (4) if financial relief is requested, information known to the petitioner regarding the financial resources of the respondent; and (5) in a case of alleged child abuse or alleged abuse of a vulnerable adult, the whereabouts of the child or vulnerable adult and any other information relating to the abuse.

A law enforcement officer must immediately serve an interim peace or protective order. An interim order is effective until the earlier of (1) the temporary peace or protective order hearing; or (2) the end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim peace or protective order.

Unless a respondent has already been served with an interim order, a law enforcement officer must immediately serve a temporary peace or protective order on the respondent. The temporary order is effective a maximum of seven days after service of the order. A judge is authorized to extend a temporary peace or protective order as needed to effectuate service of the order where necessary to provide protection or for other good cause. An extension of a temporary protective order may not exceed six months and extension of a temporary peace order may not exceed 30 days.

Additional Information

Prior Introductions: None.

Cross File: HB 971 (Delegate Dumais, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Baltimore, Carroll, Cecil, Montgomery, and St. Mary's counties; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2012
ncs/kdm

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