

SENATE BILL 731

D4
SB 561/12 – JPR

3lr2912
CF 3lr1721

By: **Senators Forehand, Jacobs, and Montgomery**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Protective Orders – Additional Relief**

3 FOR the purpose of authorizing a judge in a final protective order to order the
4 respondent to remain a specified distance away from the residence, place of
5 employment, school, or temporary residence of a person eligible for relief; and
6 generally relating to protective orders.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 4–506(d)
10 Annotated Code of Maryland
11 (2012 Replacement Volume)

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

14 **Article – Family Law**

15 4–506.

16 (d) The final protective order may include any or all of the following relief:

17 (1) order the respondent to refrain from abusing or threatening to
18 abuse any person eligible for relief;

19 (2) order the respondent to refrain from contacting, attempting to
20 contact, or harassing any person eligible for relief;

21 (3) order the respondent to refrain from entering the residence of any
22 person eligible for relief;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) where the person eligible for relief and the respondent are residing
2 together at the time of the abuse, order the respondent to vacate the home
3 immediately and award temporary use and possession of the home to the person
4 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a
5 vulnerable adult, award temporary use and possession of the home to an adult living
6 in the home, provided that the court may not grant an order to vacate and award
7 temporary use and possession of the home to a nonspouse person eligible for relief
8 unless the name of the person eligible for relief appears on the lease or deed to the
9 home or the person eligible for relief has shared the home with the respondent for a
10 period of at least 90 days within 1 year before the filing of the petition;

11 (5) order the respondent to remain away from the place of
12 employment, school, or temporary residence of a person eligible for relief or home of
13 other family members;

14 (6) order the respondent to remain away from a child care provider of
15 a person eligible for relief while a child of the person is in the care of the child care
16 provider;

17 **(7) ORDER THE RESPONDENT TO REMAIN A SPECIFIED DISTANCE**
18 **AWAY FROM THE RESIDENCE, PLACE OF EMPLOYMENT, SCHOOL, OR**
19 **TEMPORARY RESIDENCE OF A PERSON ELIGIBLE FOR RELIEF;**

20 **[(7)] (8)** award temporary custody of a minor child of the respondent
21 and a person eligible for relief;

22 **[(8)] (9)** establish temporary visitation with a minor child of the
23 respondent and a person eligible for relief on a basis which gives primary
24 consideration to the welfare of the minor child and the safety of any other person
25 eligible for relief. If the court finds that the safety of a person eligible for relief will be
26 jeopardized by unsupervised or unrestricted visitation, the court shall condition or
27 restrict visitation as to time, place, duration, or supervision, or deny visitation
28 entirely, as needed to guard the safety of any person eligible for relief;

29 **[(9)] (10)** award emergency family maintenance as necessary to
30 support any person eligible for relief to whom the respondent has a duty of support
31 under this article, including an immediate and continuing withholding order on all
32 earnings of the respondent in the amount of the ordered emergency family
33 maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part
34 III of this article;

35 **[(10)] (11)** award temporary use and possession of a vehicle jointly
36 owned by the respondent and a person eligible for relief to the person eligible for relief
37 if necessary for the employment of the person eligible for relief or for the care of a
38 minor child of the respondent or a person eligible for relief;

1 ~~[(11)]~~ **(12)** direct the respondent or any or all of the persons eligible for
2 relief to participate in professionally supervised counseling or a domestic violence
3 program;

4 ~~[(12)]~~ **(13)** order the respondent to pay filing fees and costs of a
5 proceeding under this subtitle; or

6 ~~[(13)]~~ **(14)** award temporary possession of any pet of the person eligible
7 for relief or the respondent.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 June 1, 2013.