

# HOUSE BILL 225

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CF 5l1429

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By: **Delegates Dumais, Anderson, Angel, Atterbeary, Hettleman, Jalisi, Kittleman, McComas, Moon, Morales, Rosenberg, Smith, Valentino-Smith, Waldstreicher, and B. Wilson**

Introduced and read first time: February 2, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Additional Relief**

3 FOR the purpose of expanding the relief that may be awarded in an interim protective order  
4 to include any other relief that a District Court commissioner determines is  
5 appropriate; expanding the relief that may be awarded in a temporary protective  
6 order and a final protective order to include any other relief that a judge determines  
7 is appropriate; and generally relating to domestic violence.

8 BY repealing and reenacting, without amendments,  
9 Article – Family Law  
10 Section 4–504.1(b), 4–505(a)(1), and 4–506(c)(1)  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2014 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Family Law  
15 Section 4–504.1(c), 4–505(a)(2), and 4–506(d)  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2014 Supplement)

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

20 **Article – Family Law**

21 4–504.1.

22 (b) If a petition is filed with a commissioner and the commissioner finds that there  
23 are reasonable grounds to believe that the respondent has abused a person eligible for

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 relief, the commissioner may issue an interim protective order to protect a person eligible  
2 for relief.

3 (c) An interim protective order may:

4 (1) order the respondent to refrain from further abuse or threats of abuse  
5 of a person eligible for relief;

6 (2) order the respondent to refrain from contacting, attempting to contact,  
7 or harassing a person eligible for relief;

8 (3) order the respondent to refrain from entering the residence of a person  
9 eligible for relief;

10 (4) if a person eligible for relief and the respondent are residing together  
11 at the time of the alleged abuse:

12 (i) order the respondent to vacate the home immediately;

13 (ii) award to a person eligible for relief custody of any child of the  
14 person eligible for relief and respondent then residing in the home; and

15 (iii) subject to the limits as to a nonspouse specified in §  
16 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to the  
17 person eligible for relief;

18 (5) in a case alleging abuse of a child, award temporary custody of a minor  
19 child of the respondent and a person eligible for relief;

20 (6) in a case alleging abuse of a vulnerable adult, subject to the limits as to  
21 a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and  
22 possession of the home to an adult living in the home;

23 (7) order the respondent to remain away from the place of employment,  
24 school, or temporary residence of a person eligible for relief;

25 (8) order the respondent to remain away from the residence of any family  
26 member of a person eligible for relief; [or]

27 (9) award temporary possession of any pet of the person eligible for relief  
28 or the respondent; **OR**

29 **(10) ORDER ANY OTHER RELIEF THAT THE COMMISSIONER**  
30 **DETERMINES IS APPROPRIATE.**

31 4-505.

1           (a)   (1)    If, after a hearing on a petition, whether ex parte or otherwise, a judge  
2 finds that there are reasonable grounds to believe that a person eligible for relief has been  
3 abused, the judge may enter a temporary protective order to protect any person eligible for  
4 relief from abuse.

5           (2)    The temporary protective order may order any or all of the following  
6 relief:

7                   (i)    order the respondent to refrain from further abuse or threats of  
8 abuse of a person eligible for relief;

9                   (ii)   order the respondent to refrain from contacting, attempting to  
10 contact, or harassing any person eligible for relief;

11                  (iii)   order the respondent to refrain from entering the residence of a  
12 person eligible for relief;

13                  (iv)   where the person eligible for relief and the respondent are  
14 residing together at the time of the alleged abuse, order the respondent to vacate the home  
15 immediately and award temporary use and possession of the home to the person eligible  
16 for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult,  
17 award temporary use and possession of the home to an adult living in the home, provided  
18 that the court may not grant an order to vacate and award temporary use and possession  
19 of the home to a nonspouse person eligible for relief unless the name of the person eligible  
20 for relief appears on the lease or deed to the home or the person eligible for relief has resided  
21 in the home with the respondent for a period of at least 90 days within 1 year before the  
22 filing of the petition;

23                  (v)    order the respondent to remain away from the place of  
24 employment, school, or temporary residence of a person eligible for relief or home of other  
25 family members;

26                  (vi)   order the respondent to remain away from a child care provider  
27 of a person eligible for relief while a child of the person is in the care of the child care  
28 provider;

29                  (vii)   award temporary custody of a minor child of the person eligible  
30 for relief and the respondent;

31                  (viii)   order the respondent to surrender to law enforcement authorities  
32 any firearm in the respondent's possession, and to refrain from possession of any firearm,  
33 for the duration of the temporary protective order if the abuse consisted of:

34                           1.    the use of a firearm by the respondent against a person  
35 eligible for relief;



1 on the lease or deed to the home or the person eligible for relief has shared the home with  
2 the respondent for a period of at least 90 days within 1 year before the filing of the petition;

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

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

8 (7) award temporary custody of a minor child of the respondent and a  
9 person eligible for relief;

10 (8) establish temporary visitation with a minor child of the respondent and  
11 a person eligible for relief on a basis which gives primary consideration to the welfare of  
12 the minor child and the safety of any other person eligible for relief. If the court finds that  
13 the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted  
14 visitation, the court shall condition or restrict visitation as to time, place, duration, or  
15 supervision, or deny visitation entirely, as needed to guard the safety of any person eligible  
16 for relief;

17 (9) award emergency family maintenance as necessary to support any  
18 person eligible for relief to whom the respondent has a duty of support under this article,  
19 including an immediate and continuing withholding order on all earnings of the respondent  
20 in the amount of the ordered emergency family maintenance in accordance with the  
21 procedures specified in Title 10, Subtitle 1, Part III of this article;

22 (10) award temporary use and possession of a vehicle jointly owned by the  
23 respondent and a person eligible for relief to the person eligible for relief if necessary for  
24 the employment of the person eligible for relief or for the care of a minor child of the  
25 respondent or a person eligible for relief;

26 (11) direct the respondent or any or all of the persons eligible for relief to  
27 participate in professionally supervised counseling or a domestic violence program;

28 (12) order the respondent to pay filing fees and costs of a proceeding under  
29 this subtitle; [or]

30 (13) award temporary possession of any pet of the person eligible for relief  
31 or the respondent; **OR**

32 **(14) ORDER ANY OTHER RELIEF THAT THE JUDGE DETERMINES IS**  
33 **APPROPRIATE.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2015.