

HOUSE BILL 225

D4

5lr0875
CF SB 269

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

Introduced and read first time: February 2, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2015

CHAPTER _____

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 to protect a person eligible for relief from abuse; and generally relating
8 to domestic violence.

9 BY repealing and reenacting, without amendments,
10 Article – Family Law
11 Section ~~4-504.1(b), 4-505(a)(1), and 4-506(c)(1)~~
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2014 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section ~~4-504.1(e), 4-505(a)(2), and 4-506(d)~~
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2014 Supplement)

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

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.



Article – Family Law

~~4-504.1.~~

~~(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.~~

~~(e) An interim protective order may:~~

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

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

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

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

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

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

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

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

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

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

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

1 ~~(9) award temporary possession of any pet of the person eligible for relief~~
2 ~~or the respondent; OR~~

3 ~~(10) ORDER ANY OTHER RELIEF THAT THE COMMISSIONER~~
4 ~~DETERMINES IS APPROPRIATE.~~

5 ~~4-505.~~

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

10 ~~(2) The temporary protective order may order any or all of the following~~
11 ~~relief:~~

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

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

16 ~~(iii) order the respondent to refrain from entering the residence of a~~
17 ~~person eligible for relief;~~

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

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

31 ~~(vi) order the respondent to remain away from a child care provider~~
32 ~~of a person eligible for relief while a child of the person is in the care of the child care~~
33 ~~provider;~~

34 ~~(vii) award temporary custody of a minor child of the person eligible~~
35 ~~for relief and the respondent;~~

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

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

~~2. a threat by the respondent to use a firearm against a person eligible for relief;~~

~~3. serious bodily harm to a person eligible for relief caused by the respondent; or~~

~~4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; [and]~~

~~(ix) award temporary possession of any pet of the person eligible for relief or the respondent; AND~~

~~(X) ORDER ANY OTHER RELIEF THAT THE JUDGE DETERMINES IS APPROPRIATE.~~

4-506.

(c) (1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

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

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

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

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

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

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

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

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

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

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

29 (10) award temporary use and possession of a vehicle jointly owned by the
30 respondent and a person eligible for relief to the person eligible for relief if necessary for
31 the employment of the person eligible for relief or for the care of a minor child of the
32 respondent or a person eligible for relief;

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

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

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

1 **(14) ORDER ANY OTHER RELIEF THAT THE JUDGE DETERMINES IS**
2 **APPROPRIATE TO PROTECT A PERSON ELIGIBLE FOR RELIEF FROM ABUSE.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.