

SENATE BILL 277

D4

5lr2305
CF 5lr1618

By: **Senators Cassilly, Bates, Eckardt, Edwards, Hough, Jennings, Norman, Salling, Simonaire, and Waugh**

Introduced and read first time: February 4, 2015

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 respondent
4 to remain a specified distance away from the residence, place of employment, school,
5 or temporary residence of a person eligible for relief; and generally relating to
6 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 and 2014 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 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 abuse
18 any person eligible for relief;

19 (2) order the respondent to refrain from contacting, attempting to contact,
20 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 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) ORDER THE RESPONDENT TO REMAIN A SPECIFIED DISTANCE**
16 **AWAY FROM THE RESIDENCE, PLACE OF EMPLOYMENT, SCHOOL, OR TEMPORARY**
17 **RESIDENCE OF A PERSON ELIGIBLE FOR RELIEF;**

18 **[(7)] (8)** award temporary custody of a minor child of the respondent and
19 a person eligible for relief;

20 **[(8)] (9)** establish temporary visitation with a minor child of the
21 respondent and a person eligible for relief on a basis which gives primary consideration to
22 the welfare of the minor child and the safety of any other person eligible for relief. If the
23 court finds that the safety of a person eligible for relief will be jeopardized by unsupervised
24 or unrestricted visitation, the court shall condition or restrict visitation as to time, place,
25 duration, or supervision, or deny visitation entirely, as needed to guard the safety of any
26 person eligible for relief;

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

32 **[(10)] (11)** award temporary use and possession of a vehicle jointly owned
33 by the respondent and a person eligible for relief to the person eligible for relief if necessary
34 for the employment of the person eligible for relief or for the care of a minor child of the
35 respondent or a person eligible for relief;

36 **[(11)] (12)** direct the respondent or any or all of the persons eligible for relief
37 to participate in professionally supervised counseling or a domestic violence program;

1 **[(12)] (13)** order the respondent to pay filing fees and costs of a proceeding
2 under this subtitle; or

3 **[(13)] (14)** award temporary possession of any pet of the person eligible for
4 relief or the respondent.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2015.