

Department of Legislative Services  
 Maryland General Assembly  
 2022 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 121  
 Judiciary

(Delegate Cardin)

Juvenile Court Jurisdiction - Peace Orders - Repeal

This bill repeals statutory provisions that grant the juvenile court jurisdiction over peace orders in which the respondent is a minor.

Fiscal Summary

**State Effect:** General fund expenditures increase by \$75,000 in FY 2023 for one-time programming costs. General and special fund revenues increase minimally from filing fees.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
GF/SF Rev.	-	-	-	-	-
GF Expenditure	\$75,000	\$0	\$0	\$0	\$0
Net Effect	(\$75,000)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Minimal increase in local revenues from fees associated with the service of peace orders. The service and enforcement of additional peace orders can be handled using existing resources.

**Small Business Effect:** None.

## Analysis

### Current Law:

#### *Peace Orders – Juvenile Respondents*

The juvenile court generally has exclusive jurisdiction over a peace order proceeding in which the respondent is a child. The juvenile court does not have jurisdiction if the victim is a “person eligible for relief,” as defined under the Family Law Article, which governs protective orders. A person eligible for relief includes (1) a current or former spouse of the respondent; (2) a cohabitant of the respondent; (3) a person related to the respondent by blood, marriage, or adoption; (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days, as specified; (5) a vulnerable adult; (6) an individual who has a child in common; (7) an individual who has had a sexual relationship with the respondent within one year prior to filing the petition; and (8) an individual who alleges that the respondent committed specified sexual acts within six months prior to the filing of the petition.

A peace order may be requested if specified acts are alleged to have occurred within 30 days before the filing of the complaint. These acts include an act that causes serious bodily harm or places the victim in fear of imminent serious bodily harm, assault in any degree, harassment, stalking, trespass, and malicious destruction of property.

Statutory provisions set forth procedures by which an individual may initiate a peace order against a juvenile respondent with a juvenile intake officer. Generally, an intake officer may authorize the filing of a peace order request if the intake officer concludes, after an appropriate inquiry conducted within 25 days, that the juvenile court has jurisdiction over the matter and that judicial action is in the best interests of the public or the child. Specified notice is required if an intake officer denies authorization to file a peace order. The denial of a request to file a peace order may be submitted for review by the area director of the Department of Juvenile Services (DJS), as specified. Under specified circumstances, a State’s Attorney may file a peace order request.

If a peace order request is filed, the respondent must have an opportunity to be heard on the question of whether the court should issue a peace order. If the court finds by *clear and convincing evidence* that the respondent has committed, and is likely to commit in the future, specified acts against the victim, the court may issue a peace order to protect the victim. A respondent may also consent to the entry of a peace order. Relief within a peace order may include an order for the respondent to (1) refrain from committing or threatening to commit specified acts; (2) refrain from contacting, attempting to contact, or harassing the victim; (3) refrain from entering the residence of the victim; and (4) remain

away from the place of employment, school, or temporary residence of the victim. Peace orders may also direct the respondent or victim to participate in professionally supervised counseling. The order must contain only the relief that is minimally necessary to protect the victim. Relief granted in a peace order is effective for the period stated in the order but may not exceed six months. A peace order may be modified or extended after giving notice to the victim and the respondent and a hearing. A violation of specified conditions of a peace order is a delinquent act.

### *Peace Orders – Adult Respondents*

An individual who does not meet specified relationship requirements under the domestic violence protective order statutes may file a petition for a peace order with the District Court or the District Court commissioner that alleges the commission of specified acts against the petitioner by the respondent if the act occurred within 30 days before the filing of the petition. Such acts generally align with those that are included in the juvenile peace order statute.

After a final peace order hearing, if a judge finds by a *preponderance of the evidence* that the respondent has committed, and is likely to commit in the future, one of the specified acts against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner. The order must contain only the relief that is minimally necessary to protect the petitioner. A final peace order can order the respondent to (1) refrain from committing or threatening to commit specified acts; (2) refrain from contacting, attempting to contact, or harassing the petitioner; (3) refrain from entering the residence of the petitioner; or (4) remain away from the place of employment, school, or temporary residence of the petitioner. Final peace orders can also direct the respondent or petitioner to participate in counseling or mediation and order either party to pay filing fees and costs. Relief granted in a final peace order is effective for the period stated in the order but may not exceed six months. Statutory provisions set forth circumstances under which a final peace order may be modified, rescinded, or extended for an additional six months.

**State/Local Fiscal Effect:** The Judiciary notes that there are numerous differences in the manner in which juvenile peace orders and adult peace orders are processed. In the juvenile court, only one order is issued after a petition is filed by either a juvenile intake officer or a State's Attorney. For peace orders involving adult respondents, up to three separate orders may be issued (an interim, temporary, and final peace order), depending, in part, on whether the order is initiated during normal operating hours of the courts. A peace order must also initially be served by law enforcement on an adult respondent, and fees related to filing and service are assessed. For purposes of this estimate, it is assumed that peace orders against juvenile respondents will be handled in the same manner as peace orders against adult respondents.

According to the Judiciary, in fiscal 2019 (the last full fiscal year for which data was not impacted by COVID-19), 343 juvenile peace orders were filed. Once the process is removed from the juvenile court system, an individual will be able to initiate a peace order against a juvenile respondent without having the request pre-screened by an intake officer. Accordingly, the number of overall peace orders that are filed likely increases, and the peace order caseload for the District Court (which currently only handles adult peace orders) increases. It is generally assumed that the District Court can accommodate additional peace order filings and hearings with existing budgeted resources. However, general fund expenditures increase by \$74,950 in fiscal 2023 only for one-time programming costs.

Filing fee revenues and revenues for local law enforcement agencies associated with service fees increase minimally.

The bill is not anticipated to materially impact the operations or finances of DJS, State's Attorneys' offices, or the circuit courts. It is also assumed that the service and enforcement of additional peace orders can be handled using existing budgeted resources. Juveniles are currently not entitled to the assistance of counsel in peace order proceedings under the juvenile court, and no specific additional entitlement for representation is granted within the bill. To the extent that the Office of the Public Defender elects to provide representation for peace order hearings involving juvenile respondents, it is assumed that it is done utilizing existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Maryland Department of Health; Department of Juvenile Services; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2022  
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Analysis by: Jennifer K. Botts

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510